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WHO: Sponsored by the Office of the Federal Register.

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4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, February 12, 2013
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

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To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

RIN 3206–AM51

General Schedule Locality Pay Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Final rule.

SUMMARY: On behalf of the President's Pay Agent, the Office of Personnel Management is issuing final regulations tying the metropolitan area portion of locality pay area boundaries to the geographic scope of Metropolitan Statistical Area and Combined Statistical Area definitions that are contained in the attachments to Office of Management and Budget Bulletin 10–02 of December 1, 2009.

DATES: *Effective Date:* February 25, 2013.

FOR FURTHER INFORMATION CONTACT: Allan Hearne, (202) 606–2838; FAX: (202) 606–0824; email: *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: On November 26, 2012, the Office of Personnel Management (OPM) published proposed regulations (77 FR 70381) on General Schedule locality pay areas. Section 5304 of title 5, United States Code, authorizes locality pay for General Schedule (GS) employees with duty stations in the United States and its territories and possessions.

Section 5304(f) of title 5, United States Code, authorizes the President's Pay Agent (the Secretary of Labor, the Director of the Office of Management and Budget (OMB), and the Director of OPM) to determine locality pay areas. The boundaries of locality pay areas must be based on appropriate factors, which may include local labor market patterns, commuting patterns, and the practices of other employers. The Pay Agent must give thorough consideration to the views and recommendations of the Federal Salary Council, a body composed of experts in the fields of labor relations and pay policy and representatives of Federal employee organizations. The President appoints the members of the Council, which submits annual recommendations to the Pay Agent about the locality pay program. The establishment or modification of pay area boundaries must conform with the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553). Based on recommendations of the Council, we use Metropolitan Statistical Areas (MSAs) and Combined Statistical Areas (CSAs) as the basis for locality pay areas.

OMB periodically updates metropolitan area definitions and may make significant changes in 2013. Under the current regulations, locality pay areas change automatically to follow minor revisions in MSAs and CSAs. Since OMB plans a significant update of MSA and CSA definitions in 2013, we are revising the regulations so that locality pay areas will not change automatically when OMB revises metropolitan area definitions. This action provides time for the Pay Agent and the Federal Salary Council to review the new metropolitan area definitions for suitability for use in the locality pay program. After appropriate review, the Pay Agent will publish for comment any proposed changes in locality pay areas based on the new definitions, if they are adopted.

The 45-day comment period for the proposed regulations ended on January 10, 2013. We received one comment on the proposed regulations that was not related to the subject of tying locality pay areas to the 2009 definitions of metropolitan areas. Therefore, we are adopting the proposed rule as final without any changes.

Impact

The rule has no effect on existing locality pay area definitions but prevents any changes that would otherwise occur when OMB updates MSA and CSA definitions in 2013.

Executive Order 13563 and Executive Order 12866

The Office of Management and Budget has reviewed this rule in accordance with E.O. 13563 and E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 531

Government employees, Law enforcement officers, Wages.

John Berry,

Director, Office of Personnel Management.

Accordingly, OPM is amending 5 CFR part 531 as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

■ 1. The authority citation for part 531 continues to read as follows:

Authority: 5 U.S.C. 5115, 5307, and 5338; sec. 4 of Pub. L. 103–89, 107 Stat. 981; and E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316; Subpart B also issued under 5 U.S.C. 5303(g), 5305, 5333, 5334(a) and (b), and 7701(b)(2); Subpart D also issued under 5 U.S.C. 5335 and 7701(b)(2); Subpart E also issued under 5 U.S.C. 5336; Subpart F also issued under 5 U.S.C. 5304, 5305, and 5941(a), E.O. 12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682 and E.O. 13106, 63 FR 68151, 3 CFR, 1998 Comp., p. 224.

Subpart F—Locality-Based Comparability Payments

■ 2. In § 531.602, the definitions of CSA and MSA are revised to read as follows:

§ 531.602 Definitions.

* * * * *

CSA means the geographic scope of a Combined Statistical Area as defined by the Office of Management and Budget (OMB) in OMB Bulletin 10–02, December 1, 2009.

* * * * *

MSA means the geographic scope of a Metropolitan Statistical Area as defined by OMB in OMB Bulletin 10–02, December 1, 2009.

* * * * *

■ 3. In § 531.609, paragraph (d) is revised to read as follows:

§ 531.609 Adjusting or terminating locality rates.

* * * * *

(d) In the event of a change in the geographic coverage of a locality pay area, the effective date of any change in an employee's entitlement to a locality rate of pay under this subpart is the first

day of the first pay period beginning on or after the effective date indicated in the applicable final rule published in the **Federal Register.**

* * * * *

[FR Doc. 2013–01399 Filed 1–23–13; 8:45 am]

BILLING CODE 6325–39–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1203

[Document No. NASA–2012–0006]

RIN 2700–AD61

NASA Information Security Protection

AGENCY: National Aeronautics and Space Administration.

ACTION: Direct final rule.

SUMMARY: This direct final rule makes nonsubstantive changes to align with and implement the provisions of Executive Order (E.O.) 13526, Classified National Security Information, and appropriately to correspond with NASA's internal requirements, NPR 1600.2, Classified National Security Information, that establishes the Agency's requirements for the proper implementation and management of a uniform system for classifying, accounting, safeguarding, and declassifying national security information generated by or in the possession of NASA. The revisions to these rules are part of NASA's retrospective plan under E.O. 13563 completed in August 2011. NASA's full plan can be accessed on the Agency's open Government Web site at *http://www.nasa.gov/open/.*

DATES: This direct final rule is effective on March 25, 2013. Comments due on or before February 25, 2013. If adverse comments are received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments must be identified with RINs 2700–AD61 and may be sent to NASA via the *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Please note that NASA will post all comments on the Internet with changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Steve Peyton, 202–358–0191, *steven.l.peyton@nasa.gov.*

SUPPLEMENTARY INFORMATION:

Background

In accordance with E.O. 13526, Classified National Security Information, 32 CFR part 2001, Information Security Oversight Office (ISOO) Classified National Security Information Final Rule Implementing Directive, E.O. 12968, Access to Classified Information, E.O. 13549, Classified National Security Information Programs for State, Local, Tribal and Private Sector Entities, E.O. 12829, National Industrial Security Program, and 51 U. S. C., 20132 and 20133, National and Commercial Space Program, the President and the NASA Administrator establish security requirements, restrictions, and safeguards for NASA information in the interest of national security.

Part 1203 is the foundation for establishing NASA's information security program implementation requirements. It prescribes security and protective services requirements for NASA Headquarters, NASA Centers, and component facilities in order to protect the Agency's employees, contractors, property, and information. Therefore, it is being amended to comply with the Order and the Implementing Directive and to clarify the requirements for establishing an Information Security Program and handling National Security Information.

Additional provisions of part 1203 are implemented in NASA Procedural Requirements (NPR) 1600.2, NASA Classified National Security Information, to further ensure compliance. NPR 1600.2 can be accessed at *http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPR&c=1600&s=2.*

Direct Final Rule and Significant Adverse Comments

NASA has determined this rulemaking meets the criteria for a direct final rule because it involves clarifications, updating, and nonsubstantive changes to existing regulations. NASA does not anticipate this direct final rule will result in major changes to its security procedures. However, if NASA receives significant adverse comments, NASA will withdraw this final rule by publishing a note in the **Federal Register** in order to revisit the commented-on language. In determining whether a comment necessitates withdrawal of this final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

Statutory Authority

Section 1203 is established under E.O. 13526, 32 CFR parts 2001 and 2003, the Implementing Directive, E.O. 12968 as amended, Access to Classified Information, E.O. 13549, Classified National Security Information Programs for State, Local, Tribal and Private Sector Entities, E.O. 12829, National Industrial Security Program, and The Space Act, in accordance with 51 U.S.C., National and Commercial Space Program. Sections 20132 and 20133 authorize the NASA Administrator to establish security rules and procedures to handle and safeguard Classified National Security Information. The rules serve to achieve compliance with the Administator's objectives for the protection of NASA's personnel, property, and information.

Regulatory Analysis

Executive Order 12866, Regulatory Planning and Review and Executive Order 13563, Improving Regulation and Regulation Review

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as ''administrative'' under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement does not apply if the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities'' (5 U.S.C. 603). This rule does not have a significant economic impact on a substantial number of small entities.

Review Under the Paperwork Reduction Act

This direct final rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Review Under Executive Order of 13132

E.O. 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) requires regulations be reviewed for Federalism effects on the institutional interest of states and local governments, and, if the

effects are sufficiently substantial, preparation of the Federal assessment is required to assist senior policy makers. The amendments will not have any substantial direct effects on state and local governments within the meaning of the Order. Therefore, no Federalism assessment is required.

List of Subjects in 14 CFR Part 1203

National security information, security information.

Accordingly, under the authority of the National Aeronautics and Space Act, as amended, [51 U.S.C. 20113], NASA amends 14 CFR part 1203 as follows:

PART 1203—INFORMATION SECURITY PROGRAM

■ 1. The authority citation for part 1203 is revised to read as follows:

Authority: E.O. 13526, E.O. 12968, E.O. 13549, E.O. 12829, 32 CFR part 2001, and 51 U.S.C., 20132, 20133.

Subpart A—Scope

■ 2. Amend § 1203.100 as follows:
■ a. In paragraph (a), remove E.O. number ''12958'' from the heading and add in its place E.O. number ''13526'' and remove the citation ''(E.O. 12958, 3 CFR, 1996 Comp., p. 333), as amended (*See,* Order of October 13, 1995, 3 CFR, 1996 Comp., p. 513)''.
■ b. Revise paragraph (c)(1) introductory text.
■ c. In paragraph (c)(2) introductory text, add the word ''Space'' in front of the word ''Act''.

The revision reads as follows:

§ 1203.100 Legal basis.

* * * * *

(c) * * *

(1) The National Aeronautics and Space Act (51 U.S.C. 20113) (Hereafter referred to as, ''The Space Act''), states:

* * * * *

■ 3. Amend § 1203.101 by revising paragraph (c) to read as follows:

§ 1203.101 Other applicable NASA regulations.

* * * * *

(c) NASA Procedural Requirements (NPR) 1600.2, NASA Classified National Security Information (CNSI).

Subpart B—NASA Information Security Program

■ 4. Amend § 1203.200 as follows:
■ a. Revise paragraph (b) introductory text.
■ b. In paragraph (c), remove the quotation marks from around the words ''The Order''.

The revision reads as follows:

§ 1203.200 Background and discussion.

* * * * *

(b) The Order was promulgated in recognition of the essential requirement for an informed public concerning the activities of its Government, as well as the need to protect certain national security information from unauthorized disclosure. It delegates to NASA certain responsibility for matters pertaining to national security and confers on the Administrator of NASA, or such responsible officers or employees as the Administrator may designate, the authority for original classification of official information or material which requires protection in the interest of national security. It also provides for:

* * * * *

§ 1203.201 [Amended]

■ 5. In § 1203.201(d), remove the words ''interchange of information, techniques, or hardware'' and add in their place the words ''exchange or sharing of information, techniques, hardware, software, or other technologies''.
■ 6. Amend § 1203.202 as follows:
■ a. Revise paragraph (a) introductory text.
■ b. In paragraph (a)(1), add the acronym ''(NISP)'' after the word ''Program''.
■ c. In paragraph (a)(3), add the acronym ''NISPC'' after the words ''NASA Information Security Program Committee'' and remove the words ''NASA Information Security Program'' and add in their place the acronym ''NISP''.
■ d. Revise paragraph (a)(4).
■ e. In paragraph (a)(5), remove the word ''Issuing'' and add in its place the word ''Ensuring'' and add the words ''are developed for NASA'' before the word ''programs''.
■ f. In paragraph (a)(6), remove the word ''30-year-old'' and add in its place the word ''all''.
■ g. In paragraph (a)(7), add an apostrophe to the end of the word ''records'' at its second occurrence.
■ h. In paragraph (a)(8), remove the words ''NASA Information Security Program'' and add in their place the acronym ''NISP''.
■ i. In paragraph (b), remove the words ''NASA Information Security Program Committee'' and add in their place the acronym ''NISPC'' and remove the word ''herein'' and add in its place the words ''in this section''.
■ j. In paragraph (c)(2), remove the words ''NASA Information Security Program Committee'' and add in their place the acronym ''NISPC''.
■ k. In paragraph (c)(3), add the words ''within a reasonable period'' after the word ''guidelines''.
■ l. In paragraph (d) introductory text, remove the words ''Officials-in-Charge of Headquarters Offices'' and add in their place the words ''supervisors of NASA offices''.
■ m. In paragraph (d)(2), remove the word ''eliminate'' and add in its place the word ''redact'' and add the words ''contained therein'' after the word ''information''.
■ n. In paragraph (e) introductory text, remove the words ''Directors of Field Installations'' and add in their place the words ''Chiefs of Protective Services at NASA Centers''.
■ o. In paragraph (e)(1), add the words ''and submitting the guide to the Office of Protective Services for review and approval'' after the word ''Guides''.
■ p. In paragraph (e)(2), remove the word ''installations'' and add in its place the word ''Center''.
■ q. In paragraph (e)(3), remove the word ''eliminate'' and add in its place the word ''redact''.
■ r. Revise paragraph (e)(4).
■ s. In paragraph (f), remove the words ''Senior Security Specialist, NASA Security Office'' and add in their place the words ''Director of the Office of Protective Services'' and remove the words ''NASA Information Security Program Committee'' and add in their place the acronym ''NISPC''.
■ t. In paragraph (g), remove the words ''Director, NASA Security Management Office'' and add in their place the words ''Information Security Program Manager, Office of Protective Services (OPS)''.

The revisions read as follows:

§ 1203.202 Responsibilities.

(a) The Chairperson, NASA Information Security Program Committee (NISPC) (Subpart I of this part), who is the Assistant Administrator for Protective Services, or designee, is responsible for:

* * * * *

(4) Coordinating NASA security classification matters with NASA Centers and component facilities and other Government agencies.

* * * * *

(e) * * *

(4) Coordinating all security classification actions with the Center's Protective Services Office.

* * * * *

■ 7. In § 1203.203, revise paragraphs (b)(1) and (2) to read as follows:

§ 1203.203 Degree of protection.

* * * * *

(b)(1) *Top Secret.* Top Secret is the designation applied to information or material, the unauthorized disclosure of

which could reasonably be expected to cause exceptionally grave damage to the national security.

(2) *Secret.* Secret is the designation applied to information or material, the unauthorized disclosure of which could reasonably be expected to cause serious damage to the national security.

* * * * *

Subpart C—Classification Principles and Considerations

■ 8. Revise § 1203.302 to read as follows:

§ 1203.302 Compilation.

A compilation of items that are individually unclassified may be classified if the compiled information reveals an additional association or relationship that meets the standards of classification under the Order; and is not otherwise revealed in the individual items of information. As used in the Order, compilations mean an aggregate of pre-existing unclassified items of information.

■ 9. Revise § 1203.303 to read as set forth below.

§ 1203.303 Distribution controls.

NASA shall establish controls over the distribution of classified information to ensure that it is dispersed only to organizations or individuals eligible for access to such information and with a need-to-know the information.

§ 1203.304 [Amended]

■ 10. Amend § 1203.304 by removing the words ''in light of'' and add in their place the words ''and weighed against''.

§ 1203.305 [Amended]

■ 11. Amend § 1203.305 by adding the words ''or by operation of law'' after the word ''originated,'' adding the words ''and Formerly Restricted Data'' after the third occurrence of the word ''Data'', and adding the words ''and/or Department of Defense'' after the word ''Energy''.

Subpart D—Guidance for Original Classification

■ 12. Revise § 1203.400 to read as follows:

§ 1203.400 Specific classifying guidance.

Technological and operational information and material, and in some exceptional cases scientific information falling within any one or more of the following categories, must be classified if its unauthorized disclosure could reasonably be expected to cause some degree of damage to the national security. In cases where it is believed that a contrary course of action would better serve the national interests, the matter should be referred to the Chairperson, NISPC, for a determination. It is not intended that this list be exclusive; original classifiers are responsible for initially classifying any other type of information which, in their judgment, requires protection under § 1.4 of ''the Order.''

(a) Military plans, weapons systems, or operations;

(b) Foreign government information;

(c) Intelligence activities (including covert activities), intelligence sources or methods, or cryptology;

(d) Foreign relations or foreign activities of the United States, including confidential sources;

(e) Scientific, technological, or economic matters relating to the national security;

(f) United States Government programs for safeguarding nuclear materials or facilities;

(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security; or

(h) The development, production, or plans relating to the use of weapons of mass destruction.

§ 1203.403 [Reserved]

■ 13. Remove and reserve § 1203.403.

§ 1203.405 [Amended]

■ 14. Amend § 1203.405 by removing from the last sentence '', General Services Administration, Washington, DC 20405,'' after the word ''Office.''

■ 15. Amend § 1203.406, in paragraph (b), by adding a new second sentence to read as follows:

§ 1203.406 Additional classification factors.

* * * * *

(b) * * * The Office of Protective Services will coordinate with the Information Security Oversight Office (ISOO) Committee and the National Declassification Center to determine what classification guides are current. * * *

■ 16. Revise § 1203.407 to read as follows:

§ 1203.407 Duration of classification.

(a) At the time of original classification, the original classification authority shall establish a specific date or event for declassification based on the duration of the national security sensitivity of the information. Upon reaching the date or event, the information shall be automatically declassified. Except for information that should clearly and demonstrably be expected to reveal the identity of a confidential human source or a human intelligence source or key design concepts of weapons of mass destruction, the date or event shall not exceed the timeframe established in paragraph (b) of this section.

(b) If the original classification authority cannot determine an earlier specific date or event for declassification, information shall be marked for declassification 10 years from the date of the original decision, unless the original classification authority otherwise determines that the sensitivity of the information requires that it be marked for declassification for up to 25 years from the date of the original decision.

(c) An original classification authority may extend the duration of classification up to 25 years from the date of origin of the document, change the level of classification, or reclassify specific information only when the standards and procedures for classifying information under this Order are followed.

(d) No information may remain classified indefinitely. Information that is marked for an indefinite duration of classification under predecessor orders, for example, information marked as ''Originating Agency's Determination Required,'' or classified information that contains either incomplete or no declassification instructions, shall have appropriate declassification information applied in accordance with part 3 of this order.

■ 17. Section 1203.408 is amended as follows:

■ a. Revise the section heading.

■ b. Amend the introductory text and paragraphs (a) and (d) by removing the word ''installation'' wherever it appears and adding in its place the word ''Center''.

■ c. Add paragraph (e).

The revision and addition read as follows:

§ 1203.408 Assistance by Information Security Specialist in the Center Protective Services Office.

* * * * *

(e) Forwarding all security classification guides to the Office of Protective Services, NASA Headquarters, for final approval.

■ 18. Amend § 1203.409 as follows:

■ a. Revise paragraph (a).

■ b. Amend paragraph (c) by removing number ''30'' and adding in its place the number ''90'' and removing ''GSA,''.

The revision reads as follows:

§ 1203.409 Exceptional cases.

(a) In those cases where a person not authorized to classify information

originates or develops information which is believed to require classification, that person must contact the Center's or installation's Information Security Officer in the Protective Services Office to arrange for proper review and safeguarding. Persons other than NASA employees should forward the information to the NASA Central Registry at 300 E Street SW., Washington, DC 20546, Attention: Office of Protective Services.

* * * * *

■ 19. Amend § 1203.410 as follows:

■ a. Revise paragraphs (a), (c), (d), and (e).

■ b. Remove paragraphs (f) and (g).

The revisions read as follows:

§ 1203.410 Limitations.

(a) In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to:

(1) Conceal violations of law, inefficiency, or administrative error;

(2) Prevent embarrassment to a person, organization, or agency;

(3) Restrain competition; or

(4) Prevent or delay the release of information that does not require protection in the interest of the national security.

* * * * *

(c) Information may not be reclassified after declassification after being released to the public under proper authority unless: The reclassification is based on a document-by-document review by NASA and a determination that reclassification is required to prevent at least significant damage to the national security and personally approved in writing by the Administrator, the Deputy Administrator, or the Assistant Administrator for Protective Services. All reclassification actions will be coordinated with the Information Security Oversight Office before final approval; the information may be reasonably recovered without bringing undue public attention to the information; the reclassification action is reported promptly to the Assistant to the President for National Security Affairs (the National Security Advisor) and the Director of the Information Security Oversight Office; and for documents in the physical and legal custody of the National Archives and Records Administration (National Archives) that have been available for public use, the Administrator, the Deputy Administrator, or the Assistant Administrator for Protective Services, after making the determinations required by this paragraph, shall notify the Archivist of the United States (hereafter, Archivist), who shall suspend public access pending approval of the reclassification action by the Director of the Information Security Oversight Office. Any such decision by the Director may be appealed by the agency head to the President through the National Security Advisor. Public access shall remain suspended pending a prompt decision on the appeal.

(d) Information that has not previously been disclosed to the public under proper authority may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552), the Presidential Records Act, 44 U.S.C. 2204(c)(1), the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of section 3.5 of this Order only if such classification meets the requirements of this Order and is accomplished by document-by-document review with the personal participation or under the direction of the Administrator, the Deputy Administrator, or the Assistant Administrator for Protective Services. The requirements in this paragraph also apply to those situations in which information has been declassified in accordance with a specific date or event determined by an original classification authority in accordance with section 1.5 of this Order.

(e) Compilations of items of information that are individually unclassified may be classified if the compiled information reveals an additional association or relationship that:

(1) Meets the standards for classification under this Order; and

(2) Is not otherwise revealed in the individual items of information.

■ 20. Amend § 1203.412 as follows:

■ a. Revise paragraphs (a)(3) and (5).

■ b. Amend paragraph (b), in the first sentence, by removing the word ''two'' and adding in its place the word ''five.''

The revisions read as follows:

§ 1203.412 Classification guides.

(a) * * *

(3) State the duration of each specified classification in terms of a period of time or future event. If the original classification authority cannot determine an earlier specific date or event for declassification, information shall be marked for declassification 10 years from the date of the original decision, unless the original classification authority otherwise determines that the sensitivity of the information requires it be marked for declassification for up to 25 years from the date of the original decision.

* * * * *

(5) All security classification guides should be forwarded to the Office of Protective Services for review and final approval. The Office of Protective Services will maintain a list of all classification guides in current use.

* * * * *

Subpart E—Derivative Classification

■ 21. Revise § 1203.500 to read as follows:

§ 1203.500 Use of derivative classification.

(a) Persons who reproduce, extract, or summarize classified information, or who apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.

(b) Persons who apply derivative classification markings shall:

(1) Be identified by name and position or by personal identifier, in a manner that is immediately apparent for each derivative classification action;

(2) Observe and respect original classification decisions; and

(3) Carry forward to any newly created documents the pertinent classification markings. For information derivatively classified based on multiple sources, the derivative classifier shall carry forward:

(i) The date or event for declassification that corresponds to the longest period of classification among the sources or the marking established pursuant to section 1.6(a)(4)(D) of the Order; and

(ii) A listing of the source materials.

(c) Derivative classifiers shall, whenever practicable, use a classified addendum when classified information constitutes a small portion of an otherwise unclassified document or prepare a product to allow for dissemination at the lowest level of classification possible or in unclassified form.

(d) Persons who apply derivative classification markings shall receive training in the proper application of the derivative classification principles of the Order, with an emphasis on avoiding over-classification, at least once every two years. Derivative classifiers who do not receive such training at least once every two years shall have their authority to apply derivative classification markings suspended until they have received such training. A waiver may be granted by the Administrator, the Deputy Administrator, or the Assistant

Administrator for Protective Services if an individual is unable to receive such training due to unavoidable circumstances. Whenever a waiver is granted, the individual shall receive such training as soon as practicable.

Subpart F—Declassification and Downgrading

§ 1203.601 [Amended]

■ 22. Amend § 1203.601 by removing the words ''Officials authorized original classification authority'' and adding in their place the words ''Authorized officials with Declassification Authority (DCA)''.

■ 23. Revise § 1203.602 to read as follows:

§ 1203.602 Authorization.

Information shall be declassified or downgraded by an authorized DCA official. If that official is still serving in the same position, the originator's successor, a supervisory official of either, or officials delegated such authority in writing by the Administrator or the Chairperson, NISPC, may also make a decision to declassify or downgrade information.

■ 24. Revise § 1203.603 to read as follows:

§ 1203.603 Systematic review for declassification:

(a) *General.* (1) NASA must establish and conduct a program for systematic declassification review of NASA-originated records of permanent historical value exempted from automatic declassification under section 3.3 of this Order. The NASA Office of Protective Services shall prioritize the review of such records in coordination with the Center Protective Service Offices.

(2) The Archivist shall conduct a systematic declassification review program for classified records:

(i) Accessioned into the National Archives;

(ii) Transferred to the Archivist pursuant to 44 U.S.C. 2203; and

(iii) For which the National Archives serves as the custodian for an agency or organization that has gone out of existence.

(3) The Chairperson, NISPC, shall designate experienced personnel to assist the Archivist in the systematic review of U.S. originated information and foreign information exempted from automated declassification. Such personnel shall:

(i) Provide guidance and assistance to the National Archives and Records Service in identifying and separating documents and specific categories of information within documents which are deemed to require continued classification; and

(ii) Develop reports of information or document categories so separated, with recommendations concerning continued classification.

(iii) Develop, in coordination with NASA organizational elements, guidelines for the systematic review for declassification of classified information under NASA's jurisdiction. The guidelines shall state specific limited categories of information which, because of their national security sensitivity, should not be declassified automatically, but should be reviewed to determine whether continued protection beyond 25 years is needed. These guidelines are authorized for use by the Archivist and the Director of the Information Security Oversight Office, with the approval of the Senior Agency Official, which is the Assistant Administrator, Office of Protective Services, for categories listed in section 3.3 of the Order. These guidelines shall be reviewed at least every five years and revised as necessary, unless an earlier review for revision is requested by the Archivist. Copies of the declassification guidelines promulgated by NASA will be provided to the Information Security Oversight Office, National Archives and Records Administration (NARA). All security classified records exempt from automatic declassification, whether held in storage areas under installation control or in Federal Records Centers, will be surveyed to identify those requiring scheduling for future disposition.

(A) Classified information or material over which NASA exercises exclusive or final original classification authority and which is to be declassified in accordance with the systematic review guidelines shall be so marked.

(B) Classified information or material over which NASA exercises exclusive or final original classification authority and which, in accordance with the systematic review guidelines is to be kept protected, shall be listed by category by the responsible custodian and referred to the Chairperson, NASA Information Security Program Committee. This listing shall:

(*1*) Identify the information or material involved.

(*2*) Recommend classification beyond 25 years to a specific event scheduled to happen or a specific period of time in accordance with the Order.

(*3*) The Administrator shall delegate to the Senior Agency Official the authority to determine which category shall be kept classified and the dates or event for declassification.

(*4*) Declassification by the Director of the Information Security Oversight Office (DISOO). If the Director determines that NASA information is classified in violation of the Order, the Director may require the information to be declassified. Any such decision by the Director may be appealed through the NASA ISPC to the National Security Council. The information shall remain classified pending a prompt decision on the appeal.

(b) [Reserved]

■ 25. Amend § 1203.604 as follows:

■ a. Revise paragraphs (a) and (b).

■ b. Amend (c)(1) by removing the words ''installation which originated the information'' and adding in their place the words ''Office of Protective Services''.

■ c. Revise paragraph (c)(2).

■ d. Amend paragraph (d)(1) by removing the words ''shall be processed in accordance with part 1206 of this chapter'' and adding in their place the words ''cannot be processed under the MDR process''.

■ e. Revise paragraphs (d)(2) through (4).

■ f. Revise paragraphs (e)(1), (3) and (5).

■ g. Amend paragraph (e)(2) by removing the word ''installation'' and adding in its place the words ''Office of Protective Services''.

■ h. Revise paragraph (g)(2)

The revisions read as follows:.

§ 1203.604 Mandatory review for declassification.

(a) *Information covered.* Except as provided in paragraph (b) of this section, all information classified under the Order or predecessor orders shall be subject to a review for declassification by the originating agency if:

(1) The request for a review describes the document or material containing the information with sufficient specificity to enable the agency to locate it in a reasonably timely manner;

(2) The document or material containing the information responsive to the request is not contained within an operational file exempted from search and review, publication, and disclosure under 5 U.S.C. 552 in accordance with law; and

(3) The information is not the subject of pending litigation.

(b) *Presidential papers.* Information originated by the President or Vice President; the President's White House Staff, or the Vice President's Staff; committees, commissions, or boards appointed by the President; or other entities within the Executive Office of the President that solely advise and assist the President are exempted from the provisions of paragraph (a) of this

section. However, the Archivist shall have the authority to review, downgrade, and declassify papers or records of former Presidents and Vice Presidents under the control of the Archivist pursuant to 44 U.S.C. 2107, 2111, 2111 note, or 2203. Procedures developed by the Archivist shall provide for consultation with agencies having primary subject matter interest and shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective Presidential papers or records. Agencies with primary subject matter interest shall be notified promptly of the Archivist's decision. Any final decision by the Archivist may be appealed by the requester or an agency to the Panel. The information shall remain classified pending a decision on the appeal.

(c) * * *

(2) For the most expeditious action, requests from other Governmental agencies or from members of the public should be submitted directly to the NASA Office of Protective Services only. The requestor may submit the request to: National Aeronautics and Space Administration (NASA), Central Registry, 300 E Street SW., Washington DC 20546, Attention: Office of Protective Services/Information Security Program Manager. The phrase, ''Mandatory Declassification Review,'' must be stated in the request.

(d) * * *

(2) The request describes the document or material containing the information with sufficient specificity, such as accession numbers, box titles or numbers, date and title of document, in any combination, to enable NASA to locate it with a reasonable amount of effort, not to exceed 30 days. If more time is required, NASA will notify the requester. After review, the information or any portion thereof that no longer requires protection shall be declassified and released unless withholding is otherwise warranted under applicable law.

(3) The requester shall be asked to correct a request that does not comply with paragraph (d)(2) of this section, to provide additional information, or to narrow the scope of the request; and shall be notified that no action will be taken until the requester complies.

(4) If the request requires the rendering of services for which fees may be charged under 31 U.S.C. 483a (1976), the rates prescribed in § 1206.700 shall be used, as appropriate.

(e) * * *

(1) The NASA Office of Protective Services review upon receiving the initial request shall be completed within 365 days.

* * * * *

(3) All appeals of denials of requests for declassification shall be acted upon and determined finally within 120 working days after receipt, and the requester shall be advised that the appeal determination is final. If the requester is dissatisfied with NASA's appeal decision, the requester may initiate an appeal to the Interagency Security Classification Appeals Panel (ISCAP), within the Information Security Oversight Office. If continued classification is required under the provisions of this part 1203, the requester shall be notified of the reasons thereof.

* * * * *

(5) When the NASA Office of Protective Services receives any request for declassification of information in documents in its custody that was classified by another Government agency, it shall refer copies of the request and the requested documents to the originating agency for processing and may, after consultation with the originating agency, inform the requester of the referral.

* * * * *

(g) * * *

(2) *Material not officially transferred.* When NASA has in its possession classified information or material originated by an agency which has since ceased to exist and that information has not been officially transferred to another department or agency or when it is impossible for NASA to identify the originating agency and a review of the material indicates that it should be downgraded or declassified, NASA shall be deemed to be the originating agency for the purpose of declassifying or downgrading such material. NASA will consult with the Information Security Oversight Office to assist in final disposition of the information.

* * * * *

Subpart G—[Removed and Reserved]

■ 26. Remove and reserve Subpart G, consisting of §§ 1203.700 through 1203.703.

Subpart H—Delegation of Authority To Make Determinations in Original Classification Matters

■ 27. Revise § 1203.800, § 1203.801 and § 1203.802 to read as follows:

§ 1203.800 Establishment.

Pursuant to Executive Order 13526, ''Classified National Security Information,'' and The Space Act, in accordance with U.S.C. Title 51, National and Commercial Space Program Sections 20132 and 20133, there is established a NASA Information Security Program Committee (as part of the permanent administrative structure of NASA). The NASA Assistant Administrator for Protective Services, or designee, shall be the Chairperson of the Committee. The Information Security Program Manager, NASA Office of Protective Services, is designated to act as the Committee Executive Secretary.

§ 1203.801 Responsibilities.

(a) The Chairperson reports to the Administrator concerning the management and direction of the NASA Information Security Program as provided for in subpart B of this part. In this connection, the Chairperson is supported and advised by the Committee.

(b) The Committee shall act on all appeals from denials of declassification requests and on all suggestions and complaints with respect to administration of the NASA Information Security Program as provided for in subpart B of this part.

(c) The Executive Secretary of the Committee shall maintain all records produced by the Committee, its subcommittees, and its ad hoc panels.

(d) The Office of Protective Services will provide staff assistance and investigative and support services for the Committee.

§ 1203.802 Membership.

The Committee membership will consist of the Chairperson, the Executive Secretary, and one person nominated by each of the following NASA officials:

(a) The Associate Administrators for:

(1) Aeronautics.

(2) Science Missions Directorate.

(3) Human Explorations and Operations.

(4) International and Interagency Relations.

(b) The Associate Administrator.

(c) The General Counsel.

(d) The Chief Information Officer.

(e) Other members may be designated upon specific request of the Chairperson.

■ 28. Add § 1203.803 and § 1203.804 to subpart H to read as follows:

§ 1203.803 Ad hoc committees.

The Chairperson is authorized to establish such ad hoc panels or subcommittees as may be necessary in the conduct of the Committee's work.

§ 1203.804 Meetings.

(a) Meetings will be held at the call of the Chairperson.

(b) Records produced by the Committee and the minutes of each meeting will be maintained by the Executive Secretary.

Subpart I—NASA Information Security Program Committee

■ 29. Revise § 1203.900 to read as follows:

§ 1203.900 Establishment.

Pursuant to Executive Order 13526, ''Classified National Security Information,'' and The Space Act, in accordance with U.S.C. Title 51, National and Commercial Space Program Sections 20132 and 20133, there is established a NASA Information Security Program Committee (as part of the permanent administrative structure of NASA. The NASA Assistant Administrator for Protective Services, or designee, shall be the Chairperson of the Committee. The Information Security Program Manager, NASA Office of Protective Services, is designated to act as the Committee Executive Secretary.

§ 1203.901 [Amended]

■ 30. Amend § 1203.901, in paragraph (d), by removing the words ''NASA Security Office, NASA Headquarters'' and adding in their place the ''Office of Protective Services''.

■ 31. Add subpart J to read as follows:

Subpart J—Special Access Programs (SAP) and Sensitive Compartmented Information (SCI) Programs

Sec.

Subpart J—Special Access Programs (SAP) and Sensitive Compartmented Information (SCI) Programs

§ 1203.1000 General.

A SAP or SCI program shall be created within NASA only upon specific written approval of the Administrator and must be coordinated with the Assistant Administrator for Protective Services, or designee, to ensure required security protocols are implemented and maintained.

§ 1203.1001 Membership.

The Committee membership will consist of the Chairperson, the Executive Secretary, and one person nominated by each of the following NASA officials:

(a) The Associate Administrators for:

(1) Aeronautics.

(2) Science Missions Directorate.

(3) Human Explorations and Operations.

(4) International and Interagency Relations.

(b) The Associate Administrator.

(c) The General Counsel.

(d) The Chief Information Officer.

(e) Other members may be designated upon specific request of the Chairperson.

§ 1203.1002 Ad hoc committees.

The Chairperson is authorized to establish such ad hoc panels or subcommittees as may be necessary in the conduct of the Committee's work.

§ 1203.1003 Meetings.

(a) Meetings will be held at the call of the Chairperson.

(b) Records produced by the Committee and the minutes of each meeting will be maintained by the Executive Secretary.

Charles F. Bolden, Jr.,

Administrator.

[FR Doc. 2013–00532 Filed 1–23–13; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Parts 1203a, 1203b, and 1204

[Docket No NASA–2012–0007]

RIN 2700–AD89

NASA Security and Protective Services Enforcement

AGENCY: National Aeronautics and Space Administration.

ACTION: Direct final rule.

SUMMARY: This direct final rule makes nonsubstantive changes to NASA regulations to clarify the procedures for establishing controlled/secure areas and to revise the definitions for these areas and the process for granting access to these areas, as well as denying or revoking access to such areas. Arrest powers and authority of NASA security force personnel are also updated and clarified to include the carrying of weapons and the use of such weapons should a circumstance require it. The revisions to these rules are part of NASA's retrospective plan under E.O. 13563 completed in August 2011. NASA's full plan can be accessed on the Agency's open Government Web site at *http://www.nasa.gov/open/*.

DATES: This direct final rule is effective on March 25, 2013. Comments due on or before February 25, 2013. If adverse comments are received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments must be identified with RIN 2700–AD89 and may be sent to NASA via the *Federal E-Rulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Please note that NASA will post all comments on the Internet with changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Charles Lombard, 202–358–0891, *charles.e.lombard@nasa.gov*.

SUPPLEMENTARY INFORMATON:

Direct Final Rule and Significant Adverse Comments

NASA has determined this rulemaking meets the criteria for a direct final rule because it involves clarifications, updating, and minor substantive changes to existing regulations. NASA does not anticipate this direct final rule will result in major changes to its security procedures. However, if NASA receives significant adverse comments, NASA will withdraw this final rule by publishing a note in the **Federal Register** to review the commented-on language. In determining whether a comment necessitates withdrawal of this final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

Background

• Part 1203a, NASA Security Areas, that describes the legal basis and other applicable NASA regulations related to NASA's security and law enforcement services implementation requirements, was promulgated March 28, 1972, [38 FR 8056]. Changes are being made to align this part with Homeland Security Presidential Directive (HSPD) 12, Policies for a Common Identification Standard for Federal Employees and Contractors, dated August 27, 2004. HSPD 12 establishes a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors to increase Government efficiency, reduce identity fraud, and protect personal privacy.

• Part 1203b, Security Programs; Arrest Authority and Use of Force by NASA Security Force Personnel, that describes guidelines for the exercise of arrest authority, was promulgated February 11, 1992, [57 FR 4926]. Changes are being made to align this part with the guidelines described in Executive Order 12977, Interagency Security Committee (ISC) [60 FR 5441]. The ISC is responsible for establishing policies for the security in and protection of Federal facilities, ISC Standards, Physical Security Criteria for

Federal Facilities, and ISC Facility Security Level Determinations for Federal Facilities.

• Subpart 10 of part 1204, Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials, that describes NASA's policy and minimum procedures concerning the inspection of persons and property in their possession while entering, on, or exiting NASA real property or installations, as well as proscribes unauthorized entry or the unauthorized introduction of weapons or other dangerous instruments or materials at any NASA facility, was promulgated August 3, 2000, [65 FR 47663]. Changes are being made to align this subpart with the guidelines outlined in HSPD 7, Critical Infrastructure Identification, dated December 17, 2003. HSPD 7 establishes a national policy for Federal departments and agencies to identify and prioritize critical infrastructure and to protect it from terrorist attacks.

While NASA has the following internal requirements pertaining to these rules, they are not duplicative, but are necessary to ensure that implementation of parts 1203a and 1203b and subpart 10 of part 1204 is consistent, uniform, and standardized:

—NPR 1600.1, NASA Security Program Procedural Requirements can be accessed at *http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPR&c=1600&s=1,*

—NPD 1600.2, NASA Security Policy, can be accessed at *http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPD&c=1600&s=2E.*

—NPR 1600.2, NASA Classified National Security Information (CNSI), can be accessed at *http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPR&c=1600&s=2*

—NPD 1600.3, Policy on Prevention of and Response to Workplace Violence, can be accessed at *http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPD&c=1600&s=3.*

—NPR 1600.3, Personnel Security, can be accessed at *http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPR&c=1600&s=3.*

—NPD 1600.4, National Security Programs, can be accessed at *http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPD&c=1600&s=4.*

Statutory Authority

Sections 1203 and 1204 are established under the National Aeronautics and Space Act (Space Act), in accordance with the National and Commercial Space Programs (Title 51 U.S.C.). Sections 20132 and 20133 authorize the NASA Administrator to establish security rules and procedures to safeguard NASA's employees, facilities, and proprietary information and technologies. These rules serve to achieve compliance with the Agency's objectives in the protection of its people, property, and information.

Regulatory Analysis

Executive Order 12866, Regulatory Planning and Review and Executive Order 13563, Improving Regulation and Regulation Review

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rule has been designated as ''not significant'' under section 3(f) of Executive Order 12866.

Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement does not apply if the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities'' (5 U.S.C. 603). This rule updates these sections of the CFR to align with Federal guidelines and does not have a significant economic impact on a substantial number of small entities.

Review Under the Paperwork Reduction Act

This direct final rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Review Under Executive Order of 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) requires regulations be reviewed for Federalism effects on the institutional interest of states and local governments, and if the effects are sufficiently substantial, preparation of the Federal assessment is required to assist senior policy makers. The amendments will not have any substantial direct effects on state and local governments within the meaning of the Executive Order. Therefore, no Federalism assessment is required.

List of Subjects in 14 CFR Parts 1203a, 1203b, and 1204

Government property, NASA Security Areas, Use of Force, Arrest Authority, Use of Firearms.

Accordingly, under the authority of the National Aeronautics and Space Act, as amended, (51 U.S.C. 20113), NASA amends 14 CFR parts 1203a, 1203b and 1204 as follows:

PART 1203a—NASA SECURITY AREAS

■ 1. The authority citation for part 1203a is revised to read as follows:

Authority: The National Aeronautics and Space Act of 1958, as amended, 51 U.S.C. 20101 et seq.

§ 1203a.100 [Amended]

■ 2. Amend § 1203a.100 as follows:
■ a. In paragraph (a), remove the words ''installations and component installations'' wherever they appear and add in their place the words ''Centers and Component Facilities'', add the word ''/proprietary'' after the word ''classified'', and remove the words ''or custody'' after the word ''possession''.
■ b. In paragraph (b), remove the part number ''1203a''.

■ 3. Amend § 1203a.101 as follows:
■ a. In paragraph (a), add the word ''/proprietary'' after the word ''classified'', remove the words ''or custody'' after the word ''possession'', and remove the words ''installation or component installation'' and add in their place the words ''Center or Component Facility''.
■ b. Paragraphs (a)(1) through (3) are revised.
■ c. In paragraph (b), remove the words ''on an interim basis'' after the word ''established''.

The revisions read as follows:

§ 1203a.101 Definitions.

* * * * *

(a) * * *

(1) *Controlled area.* An area in which security measures are taken to safeguard and control access to property and hazardous materials or other sensitive material or to protect operations that are vital to the accomplishment of the mission assigned to a Center or Component Facility. The controlled area shall have a clearly defined perimeter, but permanent physical barriers are not required.

(2) *Limited area.* An area in which security measures are taken to safeguard or control access to classified material or unclassified property warranting special protection or property and

hazardous materials or to protect operations that are vital to the accomplishment of the mission assigned to a Center or Component Facility. A Limited Area shall also have a clearly defined perimeter, but differs from a Controlled Area in that permanent physical barriers and access control devices, including walls and doors with locks or access devices, are emplaced to assist the occupants in keeping out unauthorized personnel. All facilities designated as NASA Critical Infrastructure or a key resource will be designated at a minimum as ''Limited'' areas.

(3) *Exclusion area.* An area that is a permanent facility dedicated solely to the safeguarding and use of Classified National Security Information. It is used when vaults are unsuitable or impractical and where entry to the area alone provides visible or audible access to classified material. To prevent unauthorized access to an exclusion area, visitors will be escorted or other internal restrictions implemented, as determined by the Center Security Office.

* * * * *

■ 4. Amend § 1203a.102 as follows:

■ a. Paragraph (a)(1) introductory text is revised.

■ b. In paragraph (a)(1)(iii), remove the word ''Government'' and add in its place the words ''NASA or NASA contractor''.

■ c. In paragraph (a)(2), remove the words ''Director of Security'' and add in their place the words, ''Assistant Administrator for Protective Services'' and remove the word ''will'' and add in its place the word ''shall''.

■ d. In paragraph (a)(3)(i) introductory text, remove the word ''As'' and add in its place the word ''At'' and remove the words ''Director of Security'' and add in their place the words ''Assistant Administrator for Protective Services''.

■ e. In paragraph (a)(3)(i)*(a),* remove the words ''NASA field or component installation, facility'' and add in their place the words ''NASA Center or Component Facility''.

■ f. In paragraph (a)(3)(i)*(b),* remove the words ''NASA field or component installation'' and add in their place the words ''NASA Center or Component Facility''.

■ g. In paragraph (a)(3)(i)*(c),* remove the word ''restricted'' and add in its place the word ''controlled'' and remove the word ''closed'' and add in its place the word ''Exclusion''.

■ h. In paragraph (a)(3)(ii), remove the word ''installation'' and add in its place the word ''Center'' and remove the words ''Security Division'' and add in their place the words ''Assistant Administrator for Protective Services''.

■ i. In paragraph (b) introductory text, remove the word ''As'' and add in its place the word ''At,'' and place a comma '','' after the word ''minimum''.

■ j. In paragraph (b)(1), remove the words ''Director of Security'' and add in their place the words ''Assistant Administrator for Protective Services.''

■ k. In paragraph (b)(4), remove the words ''installation or component installation'' and add in their place the words ''Center or Component Facility.''

■ l. In paragraph (c), remove the words ''Director of Security'' and add in their place the words ''Assistant Administrator for Protective Services.''

§ 1203a.102 Establishment, maintenance, and revocation of security areas.

(a) * * *

(1) Directors of NASA Centers, including Component Facilities and Technical and Service Support Centers, and the Executive Director for Headquarters Operations at NASA Headquarters may establish, maintain, and protect such areas designated as Controlled, Limited, or Exclusion, depending upon their assessment of the potential for unauthorized persons either to:

* * * * *

§ 1203a.103 [Amended]

■ 5. Amend § 1203a.103 as follows:

■ a. In paragraph (a)(1), remove the word ''*Restricted''* and add in its place the word ''*Controlled.''*

In paragraph (a)(2), remove the words ''involved or be the recipient of a satisfactorily completed national agency check if classified material or information is not involved'' and add in their place the words ''held, discussed, or disseminated on site or is the holder of a positive national agency check if classified material or information is not involved.''

In paragraph (a)(3), remove the word ''*Closed''* and add in its place the word ''*Exclusion.''*

In paragraph (b), remove the words ''directors of NASA field and component installations, and the Director of Headquarters Administration for NASA Headquarters (including component installations)'' and add in their place the words ''Center Directors, including Component Facilities and Technical and Service Support Centers, and the Executive Director for Headquarters Operations, NASA Headquarters,'' remove the words ''continued presence'' and add in their place the word ''access'' and remove the word ''therein'' wherever it appears.

§ 1203a.104 [Amended]

■ 6. Amend § 1203a.104 as follows:

In paragraph (a), remove the words ''directors of NASA field and component installations (or their designees) and the Director of Headquarters Administration for NASA Headquarters (including component installations) or his designee'' and add in their place the words ''Center Directors, including Component Facilities and Technical and Service Support Centers, and the Executive Director for Headquarters, NASA Headquarters.''

■ a. In paragraph (b), remove the word ''restricted'' and add in its place the word ''controlled'' and remove the word ''closed'' and add in its place the word ''exclusion.''

§ 1203a.105 [Amended]

■ 7. Amend § 1203a.105 by removing the words ''field and component installations'' and adding in their place the words ''NASA Centers and Component Facilities,'' removing the words ''Security Division (Code DHZ)'' and adding in their place the words ''Assistant Administrator for Protective Services,'' and removing the words ''NASA Management Instruction 1410.10'' and adding in their place the words ''NASA Policy Directive 1400.2, Publishing NASA Documents in the **Federal Register** and Responding to Regulatory Actions.''

PART 1203b—SECURITY PROGRAMS: ARREST AUTHORITY AND USE OF FORCE BY NASA SECURITY POLICE PERSONNEL

■ 8. The authority citation for part 1203b is revised to read as follows:

Authority: The National and Commercial Space Program (51 U.S.C.). Sections 20132 and 20133 et seq.

§ 1203b.100 [Amended]

■ 9. Amend § 1203b.100 by removing the citation ''section 304(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2456a)'' and adding in its place the citation ''51 U.S.C. National and Commercial Space Programs, sections 20133 and 20134,'' and removing the word ''arrest'' before the word ''authority'' in the second occurrence.

§ 1203b.101 [Amended]

■ 10. Amend § 1203b.101 by removing the citation ''42 U.S.C 2456a'' and adding in its place the citation ''51 U.S.C. 20134.''

§ 1203b.102 [Amended]

■ 11. Amend § 1203b.102 by removing the words ''Federal Law Enforcement Training Center'' and adding in their place the words ''NASA Protective Services Training Academy'', removing the word ''about'' and adding in its place the word ''concerning,'' and removing the word ''tiers'' and adding in its place the word ''levels''.

§ 1203b.103 [Amended]

■ 12. Amend § 1203b.103 as follows:
■ a. In paragraph (a)(1), remove the word ''graduate'' and add in its place add the words ''have graduated''.
■ b. In paragraph (a)(2), remove the words ''Associate Administrator for Management Systems and Facilities'' and add in their place the words ''Assistant Administrator for Protective Services''.
■ c. In paragraph (b)(2), remove the word ''any'' and add in its place the word ''an'' and add the words ''Government, NASA, or a NASA contractor'' after the word ''States''.
■ d. In paragraph (c), remove the word ''Installation'' and add in its place the word ''Center''.

■ 13. Amend § 1203b.104 as follows:
■ a. Revise paragraph (a).
■ b. In paragraph (b), remove the word ''officer'' and add in its place the word ''personnel.''
■ c. Remove paragraph (c).
■ d. Redesignate paragraph (d) as paragraph (c) and remove the word ''that'' after the word ''ensure''.

The revision reads as follows:

§ 1203b.104 Exercise of arrest authority—general guidelines.

(a) In making an arrest, the security force personnel should announce their authority and that the person is under arrest prior to taking the person into custody. If the circumstances are such that making such an announcement would be useless or dangerous to the security force personnel or others, the security force personnel may dispense with these announcements, but must subsequently identify themselves and their arrest authority to the arrested person(s) as soon as reasonably possible.

* * * * *

§ 1203b.105 [Amended]

■ 14. Amend § 1203b.105 by removing the first occurrence of the word ''officer'' in and adding in its place the word ''personnel''.

■ 15. Section 1203b.106 is revised to read as follows:

§ 1203b.106 Use of deadly force.

NASA security force personnel may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.

(a) Deadly force may not be used solely to prevent the escape of a fleeing suspect.

(b) Firearms may not be fired solely to disable moving vehicles.

(c) If feasible and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

(d) Warning shots are not permitted outside of the prison context.

(e) Officers will be trained in alternative methods and tactics for handling resisting subjects which must be used when the use of deadly force is not authorized by this policy.

§ 1203b.107 [Amended]

■ 16. Amend § 1203b.107 as follows:
■ a. In paragraph (a)(1), add the words ''or desist'' after the word ''halt''.
■ b. In paragraph (c) introductory text, remove the word ''officer'' and add in its place the word ''personnel''.
■ c. In paragraph (c)(1), remove the word ''Installation'' and add in its place the word ''Center'' and remove the words ''Security Office'' and add in their place the words ''Assistant Administrator for Protective Services''.
■ d. In paragraph (c)(2), remove the word ''Installation'' wherever it appears and add in its place the word ''Center'' and remove the words ''Associate Administrator for Management Systems and Facilities'' and add in their place the words ''Assistant Administrator for Protective Services''.
■ e. In paragraph (c)(3), remove the word ''Installation'' and add in its place the word ''Center,'' and remove the words ''Associate Administrator for Management Systems and Facilities'' in the first occurrence and add in their place the words ''Executive Director for Headquarters Operations'' and in the second occurrence add in their place the words ''Assistant Administrator for Protective Services''.
■ f. In paragraph (c)(4), remove the word ''Installation'' and add in its place the word ''Center'' and remove the words ''Associate Administrator for Management Systems and Facilities'' and add in their place the words ''Assistant Administrator for Protective Services''.

§ 1203b.108 [Amended]

■ 17. Amend § 1203b.108 as follows:
■ a. In paragraph (b), add the acronym ''NASA'' before the word ''Headquarters'' and remove the words ''Field Installations'' and add in their place the words ''NASA Centers''.
■ b. In paragraph (c) introductory text, remove the words ''Associate Administrator for Management Systems and Facilities'' and add in their place the words ''Assistant Administrator for Protective Services''.
■ c. In paragraph (c)(2), add the word ''requisite'' after the word ''Demonstrate''.
■ d. In paragraph (d) introductory text, remove the words ''Associate Administrator for Management Systems and Facilities'' and add in their place the words ''Assistant Administrator for Protective Services.''
■ e. In paragraph (d)(1), remove the word ''Provide'' and add in its place the word ''Ensure,'' remove the word ''ensure'' and add in its place the word ''maintain,'' remove the word ''updated'' and add in its place the word ''current,'' and remove the words ''as to the use'' after the word ''knowledge''.
■ f. In paragraph (d)(2), remove the word ''officers'' and add in its place the word ''personnel''.
■ g. In paragraph (e), remove the words ''Associate Administrator for Management Systems and Facilities'' and add in their place the words ''Executive Director for Headquarters Operations,'' remove the word ''Installation'' and add in its place the word ''Center,'' remove the words ''management instructions'' and add in their place the words ''policies and procedural requirements,'' remove the words ''Headquarters/Installation'' and add in their place the words ''NASA Headquarters or NASA Center.''

§ 1203b.109 [Amended]

■ 18. Amend § 1203b.109 by removing the words ''do not'' after the word ''to''.

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 10—Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials

■ 19. The authority citation for part 1204, subpart 10, is revised to read as follows:

Authority: The National and Commercial Space Program (51 U.S.C.). Sections 20132 and 20133 et seq.

§ 1204.1000 [Amended]

■ 20. Amend § 1204.1000 by removing the word ''minimum'' and adding in its place the word ''baseline,'' removing the word, ''installations'' and adding in its place the word ''facilities,'' adding the

acronym ''NASA'' before the word ''Centers.'' and removing the second occurrence of the word ''installation'' and adding in its place the word ''facility''.

§ 1204.1001 [Amended]

■ 21. Amend § 1204.1001 as follows:

■ a. In paragraph (a), remove the word, ''installations'' and add in its place the word ''facilities,'' add the acronym ''NASA'' in front of the word ''Centers,'' remove the word ''from,'' and remove the word ''installation'' at the second occurrence and add in its place the word ''facility''.

■ b. In paragraph (b), remove the words ''It is determined that,'' capitalize the ''T'' in the word ''this'' and remove the word ''installations'' wherever it appears and add in its place the word ''facilities''.

§ 1204.1002 [Amended]

■ 22. Amend § 1204.1002 by removing the words ''Associate Administrator'' and adding in their place the words ''Executive Director''.

§ 1204.1003 [Amended]

■ 23. Amend § 1204.1003 as follows:

■ a. In paragraph (a) introductory text, remove the word, ''installations'' and add in its place the word ''facilities'' and add the acronym ''NASA'' in front of the word ''Centers''.

■ b. In paragraph (a)(1), capitalize the entire paragraph and remove the word ''installation'' and add in its place the word ''FACILITY''.

■ c. In paragraph (a)(2), capitalize the entire paragraph, remove the colon after the word ''PROHIBITED,'' add a period after the acronym ''NASA'', and add the words ''UNLESS AUTHORIZED BY NASA'' after the word ''property.''

■ d. In paragraph (b), remove the word ''installation's'' and add in its place the word ''facility's'' and remove the words ''Director, Security Management Office'' and add in their place the words ''Assistant Administrator for Protective Services''.

■ e. In paragraph (c), remove the word ''admission'' and add in its place the word ''entry'' and remove the word ''installation'' and add in its place the word ''facility''.

■ f. In paragraph (d), remove the word ''installation'' wherever it appears and add in its place the word ''facility'' and remove the word ''admission'' and add in its place the word ''entry''.

■ g. In paragraph (e), remove the word ''installation'' and add in its place the word ''facility''.

§ 1204.1004 [Amended]

■ 24. Amend § 1204.1004 by removing the word ''installation'' and adding in its place the word ''facility''.

■ 25. Amend § 1204.1005 as follows:

■ a. Revise paragraph (a).

■ b. In paragraph (b), remove the words ''Paragraph (a) of this section'' and add in their place the words ''§ 1204.1003, paragraph (a)(2)''.

■ c. In paragraph (b)(2), remove the word ''installation'' wherever it appears and add in its place the word ''facility''.

The revision reads as follows:

§ 1204.1005 Unauthorized introduction of firearms or weapons, explosives, or other dangerous materials.

(a) Refer to the notice in § 1204.1003, paragraph (a)(2), for a description of the consequences for unauthorized introduction of firearms or weapons, explosives, or other dangerous materials.

* * * * *

§ 1204.1006 [Amended]

■ 26. Amend § 1204.1006 by removing the words ''Please take notice that'' and capitalizing the letter ''A'' in the word ''anyone''.

Charles F. Bolden, Jr.,

Administrator.

[FR Doc. 2013–00533 Filed 1–23–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1334; Directorate Identifier 2012–NE–49–AD; Amendment 39–17324; AD 2013–02–03]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Rolls-Royce plc (RR) RB211–Trent 970–84, 970B–84, 972–84, 972B–84, 977–84, 977B–84, and 980–84 turbofan engines. This AD requires replacement of the fuel oil heat exchanger (FOHE). This AD was prompted by a report of an in-flight increase of N2 intermediate pressure rotor vibrations resulting in an engine surge and pilot shut down of the engine. We are issuing this AD to prevent rotor bearing oil starvation, uncontained engine failure, and damage to the airplane.

DATES: This AD becomes effective January 24, 2013.

We must receive comments on this AD by March 11, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE248BJ, United Kingdom; phone: 44 (0) 1332 242424; fax: 44 (0) 1332 249936, or email: *http://www.rolls-royce.com/contact/civil_team.jsp.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: 800–647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued mandatory continuing airworthiness information (MCAI) EASA AD 2012–0260, dated

December 11, 2012, to correct an unsafe condition for the specified products. The MCAI states:

During a revenue service flight, a Trent 900 engine experienced increased N2 intermediate pressure (IP) vibrations, followed by an engine surge. The pilot shut down the engine, the aeroplane carried out an air turn-back, and a 3-engine landing was successfully performed. Subsequent investigation results revealed the presence of oil by-pass seal material from the Fuel-to-Oil Heat Exchanger (FOHE) in the restrictor hole of the Tail Bearing Housing (TBH) cover plate. The blocked restrictor hole caused oil starvation to the low pressure (LP) and IP location bearings.

This condition, if not detected and corrected, could lead to LP location bearing damage, possibly resulting in uncontained engine failure and consequent damage to the aeroplane. The oil baffle seals in FOHE, part number 47111–1241, become damaged with use and loose seal material can block the restrictor hole. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

RR has issued Alert Non-Modification Service Bulletin RB.211–79–AH031, dated October 25, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This AD

This product has been approved by the United Kingdom and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

No domestic operators use this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days. Accordingly, this AD is effective upon publication.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1334; Directorate Identifier 2012–NE–49–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2013–02–03 Rolls-Royce plc: Amendment 39–17324; Docket No. FAA–2012–1334; Directorate Identifier 2012–NE–49–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective January 24, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce plc RB211-Trent 970–84, 970B–84, 972–84, 972B–84, 977–84, 977B–84, and 980–84 turbofan engines with a fuel oil heat exchanger (FOHE), part number 47111–1241, installed.

(d) Reason

This AD was prompted by a report of an in-flight increase of N2 intermediate pressure rotor vibrations resulting in an engine surge and pilot shut down of the engine. We are issuing this AD to prevent rotor bearing oil starvation, uncontained engine failure, and damage to the airplane.

(e) Actions and Compliance

Unless already done, do the following actions.

(1) For engines installed on the effective date of this AD, replace the FOHE within 500 engine hours (EHs) from the effective date of this AD, or before exceeding 5,000 EHs time since new (TSN) or time since overhaul (TSO), whichever occurs later.

(2) For engines in the shop on the effective date of this AD, do not approve the engine for return to service if the FOHE has 5,000 or more EHs TSN or TSO.

(3) After the effective date of this AD, do not install a FOHE on any engine, or any engine on any airplane, unless the FOHE has fewer than 5,000 EHs TSN or TSO.

(f) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(g) Related Information

(1) For more information about this AD, contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238 7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

(2) Refer to European Aviation Safety Agency Airworthiness Directive 2012–0260, dated December 11, 2012, and Rolls-Royce plc Alert Non-Modification Service Bulletin RB.211–79–AH031, dated October 25, 2012, for related information.

(3) For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, DE248BJ, United Kingdom; phone: 44 (0) 1332 242424; fax: 44 (0) 1332 249936; or email: *http://www.rolls-royce.com/contact/civil_team.jsp.*

(4) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(h) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on January 14, 2013.

Thomas Boudreau,

Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2013–01358 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0323; Airspace Docket No. 12–AAL–4]

Amendment of Class E Airspace; Savoonga, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Savoonga, AK, to accommodate aircraft using Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures at Savoonga Airport. This action enhances the safety and management of aircraft operations at the airport. An editorial change is made by removing reference to Class E surface airspace entered in error.

DATES: Effective date, 0901 UTC, March 7, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4517.

SUPPLEMENTARY INFORMATION:

History

On October 9, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify controlled airspace at Savoonga, AK (77 FR 61304). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface, at Savoonga Airport, Savoonga, AK, to accommodate aircraft using the new RNAV (GPS) standard instrument approach procedures at Savoonga Airport, and enhances the safety and management of instrument flight rules operations at the airport. The reference to Class E surface airspace is removed as it was entered in error.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies controlled airspace at Savoonga Airport, Savoonga, AK. Except for editorial changes and change noted above, this rule is the same as published in the NPRM.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR part 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting

Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Savoonga, AK [Modified]

Savoonga Airport, AK
(Lat. 63°41′11″ N., long. 170°29′35″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Savoonga Airport, and within 4 miles each side of the 059° bearing of the airport extending from the 6.4-mile radius to 11 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of lat. 63°38′25″ N., long. 170°57′44″ W., starting at the 303° bearing of the airport counterclockwise to the 171° bearing of the airport then northeast to lat. 63°20′35″ N., long. 169°36′56″ W., and within a 30-mile radius of lat.63°47′53″ N., long.170°03′36″ W., starting at the 121° bearing of Savoonga Airport counterclockwise to the 352° bearing of the airport, thence to the point of origin.

Issued in Seattle, Washington, on December 31, 2012.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–01359 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0341; Airspace Docket No. 12–AEA–4]

Amendment of Class E Airspace; Wilkes-Barre, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Wilkes-Barre, PA, creating controlled airspace to accommodate new area navigation (RNAV) Standard Instrument Approach Procedures at Wilkes-Barre Wyoming Valley Airport. Airspace reconfiguration is necessary for the continued safety and management of instrument flight rules (IFR) operations in the Wilkes-Barre, PA, area. This action also recognizes the name change of Hanover Township Fire Station #5 Heliport. The BARTY LOM navigation aid is removed, as this navigation aid has been decommissioned.

DATES: Effective 0901 UTC, March 7, 2013. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P. O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On July 18, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace in the Wilkes-Barre, PA, area by creating controlled airspace at Wilkes-Barre/Wyoming Valley Airport, Wilkes-Barre, PA (77 FR 42228). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One positive comment was received. Subsequent to publication the FAA found that the BARTY LOM navigation aid was decommissioned and, therefore, is being removed from the Class E airspace designation of Class E airspace designated as an extension.

Class E airspace designations are published in paragraph 6004 and 6005, respectively, of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace in the Wilkes-Barre, PA, area by creating controlled airspace extending upward form 700 feet above the surface at Wilkes-Barre/Wyoming Valley Airport to support the new RNAV standard instrument approach procedures for the airport. Additionally, the BARTY LOM has been decommissioned, and is removed from the Class E airspace designated as an extension to Class D surface area and the Class E airspace extending upward from 700 feet above the surface. These modifications are necessary for the safety and management of IFR operations in the Wilkes-Barre, PA, area. Also, the heliport formerly known as Fire Station Helipad at Mercy Hospital is renamed Hanover Township Fire Station #5 Heliport. Except for editorial changes and the changes listed above, this rule is the same as that proposed in the NPRM.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace in the Wilkes-Barre, PA area.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

Paragraph 6004 Class E airspace designated as an extension to a Class D surface area.

* * * * *

AEA PA E4 Wilkes-Barre, PA [Amended]

Wilkes-Barre/Scranton International Airport
(lat. 41°20′19″ N., long 75°43′24″ W.)

That airspace extending upward from the surface within 3.4 miles each side of a 033° bearing from Wilkes-Barre/Scranton International Airport extending from the 4.1-mile radius to 11 miles northeast of the airport, and within 1 mile either side of a 213° bearing from the airport extending from the 4.1-mile radius to 7.3 miles southwest of the airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Wilkes-Barre, PA [Amended]

Wilkes-Barre/Scranton International Airport
(Lat. 41°20′19″ N., long 75°43′24″ W.)
Wilkes-Barre/Scranton International ILS
Localizer Northeast Course
(Lat. 41°19′54″ N., long 75°43′49″ W.)
Wilkes-Barre Wyoming Valley Airport
(Lat. 41°17′50″ N., long. 75°51′09″ W.)
Wyoming Valley Medical Center
(Lat. 41°15′45″ N., long 75°48′40″ W.)
ZIGAL Waypoint
(Lat. 41°16′08″ N., long 75°48′36″ W.)
Scranton, Community Medical Center, PA
(Lat. 41°24′00″ N., long 75°38′49″ W.)
ZESMA Waypoint
(Lat. 41°24′00″ N., long 75°39′39″ W.)
Hanover Township Fire Station #5 Heliport
(Lat. 41°14′08″ N., long 75°56′03″ W.)
ZIDKA Waypoint
(Lat. 41°14′14″ N., long 75°55′12″ W.)

That airspace extending upward from 700 feet above the surface of the Earth within a 11.8-mile radius of Wilkes-Barre/Scranton International Airport, and within an 11.6-mile radius of Wilkes-Barre Wyoming Valley Airport, and including that airspace within a 6-mile radius of each of the Point in Space Waypoints ZIGAL, ZESMA, and ZIDKA serving the Wyoming Medical Center, the Community Medical Center, and the Hanover Township Fire Station #5 Heliport, respectively.

Issued in College Park, Georgia, on December 12, 2012.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2013–01363 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30876; Amdt. No. 3511]

Standard Instrument Approach Procedures and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective January 24, 2013. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 24, 2013.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the

airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in an FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on December 7, 2012.

John M. Allen,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
10–Jan–13	NY	Rome	Griffiss Intl	2/0251	11/26/12	RNAV (GPS) Rwy 15, Amdt 1A.
10–Jan–13	NC	Lexington	Davidson County	2/0444	11/26/12	ILS or LOC/DME Rwy 6, Amdt 1.
10–Jan–13	AK	Chevak	Chevak	2/3187	11/26/12	RNAV (GPS) Rwy 20, Orig.
10–Jan–13	AK	Chevak	Chevak	2/3188	11/26/12	RNAV (GPS) Rwy 2, Orig.
10–Jan–13	MN	Red Wing	Red Wing Rgnl	2/3381	11/26/12	RNAV (GPS) Rwy 27, Amdt 2B.
10–Jan–13	AL	Monroeville	Monroe County	2/3922	11/26/12	RNAV (GPS) Rwy 21, Orig.
10–Jan–13	AL	Monroeville	Monroe County	2/3924	11/26/12	RNAV (GPS) Rwy 3, Orig-A.
10–Jan–13	RI	Westerly	Westerly State	2/3925	12/04/12	LOC Rwy 7, Amdt 6.
10–Jan–13	RI	Westerly	Westerly State	2/3926	12/04/12	RNAV (GPS) Rwy 7, Orig-A.
10–Jan–13	AK	Nuiqsut	Nuiqsut	2/4372	11/26/12	RNAV (GPS) Rwy 23, Amdt 1.
10–Jan–13	OR	Portland	Portland Intl	2/4377	11/26/12	LOC/DME Rwy 21, Amdt 8.
10–Jan–13	WA	Hoquiam	Bowerman	2/4379	11/26/12	VOR/DME Rwy 24, Amdt 6.
10–Jan–13	WA	Ellensburg	Bowers Field	2/4644	11/26/12	VOR B, Amdt 3A.
10–Jan–13	CO	Gunnison	Gunnison-Crested Butte Rgnl	2/4799	11/26/12	Takeoff Minimums and (Obstacle) DP, Amdt 7.
10–Jan–13	MT	Poplar	Poplar Muni	2/4971	11/26/12	Takeoff Minimums and (Obstacle) DP, Orig.
10–Jan–13	CA	Van Nuys	Van Nuys	2/5168	11/26/12	ILS Rwy 16R, Amdt 5E.
10–Jan–13	AK	Anchorage	Ted Stevens Anchorage Intl	2/6009	11/26/12	Takeoff minimums and (Obstacle) DP, Amdt 7.
10–Jan–13	AZ	Flagstaff	Flagstaff Pulliam	2/6399	11/26/12	ILS or LOC/DME Rwy 21, Orig-E.
10–Jan–13	TX	Center	Center Muni	2/8959	11/26/12	NDB Rwy 17, Amdt 2.
10–Jan–13	CO	Erie	Erie Muni	2/9544	11/26/12	VOR/DME or GPS A, Orig.

[FR Doc. 2013–01362 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30879; Amdt. No. 3514]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective January 24, 2013. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 24, 2013.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on December 21, 2012.

John M. Allen,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
7–Feb–13	IL	Peoria	Mount Hawley Auxiliary	2/0863	12/10/12	RNAV (GPS) RWY 18, Orig.
7–Feb–13	NY	Schenectady	Schenectady County	2/2335	12/14/12	RNAV (GPS) RWY 22, Orig.
7–Feb–13	NY	Schenectady	Schenectady County	2/2336	12/14/12	RNAV (GPS) RWY 28, Orig–A.
7–Feb–13	NY	Schenectady	Schenectady County	2/2337	12/14/12	NDB RWY 22, Amdt 16.
7–Feb–13	NY	Schenectady	Schenectady County	2/2338	12/14/12	RNAV (GPS) RWY 10, Orig–A.
7–Feb–13	NY	Schenectady	Schenectady County	2/2339	12/14/12	RNAV (GPS) RWY 4, Orig–A.
7–Feb–13	NJ	Atlantic City	Atlantic City Intl	2/2886	12/14/12	COPTER ILS OR LOC/DME RWY 13, Amdt 1B.
7–Feb–13	NJ	Atlantic City	Atlantic City Intl	2/2887	12/14/12	ILS OR LOC RWY 13, Amdt 8.
7–Feb–13	SC	Marion	Marion County	2/2888	12/14/12	VOR/DME–A, Amdt 4.
7–Feb–13	SC	Marion	Marion County	2/2890	12/14/12	NDB RWY 4, Amdt 4.
7–Feb–13	SC	Marion	Marion County	2/2891	12/14/12	RNAV (GPS) RWY 4, Orig.
7–Feb–13	VT	Rutland	Rutland-Southern Vermont Rgnl.	2/2984	12/14/12	TAKEOFF MINIMUMS AND (OBSTACLE) DP, Amdt 4.
7–Feb–13	SC	Darlington	Darlington County Jetport	2/4883	12/10/12	TAKEOFF MINIMUMS AND (OBSTACLE) DP, Orig.
7–Feb–13	NY	Newburgh	Stewart Intl	2/8347	12/10/12	ILS OR LOC RWY 9, ILS RWY 9 (CAT II), Amdt 12.
7–Feb–13	NY	Newburgh	Stewart Intl	2/8348	12/10/12	RNAV (GPS) RWY 9, Amdt 1.
7–Feb–13	NY	Newburgh	Stewart Intl	2/8349	12/10/12	RNAV (GPS) RWY 27, Amdt 1.
7–Feb–13	NY	Newburgh	Stewart Intl	2/8350	12/10/12	RNAV (GPS) RWY 16, Amdt 1.
7–Feb–13	NY	Newburgh	Stewart Intl	2/8353	12/10/12	VOR RWY 27, Amdt 5.
7–Feb–13	NY	Newburgh	Stewart Intl	2/8401	12/10/12	ILS OR LOC RWY 27, Amdt 1.

[FR Doc. 2013–01364 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 24

[CBP Dec. 13–03]

Technical Corrections Regarding the Methods of Collection of Certain User Fees by CBP

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations in order to clarify that any applicable Animal and Plant Health Inspection Service (APHIS) user fee, which is called an Agricultural Quarantine and Inspection (AQI) user fee, for commercial trucks will be collected by CBP upon arrival into the United States at the same time that CBP collects its portion of this user fee and to reflect certain administrative changes pertaining to the collection of user fees. The regulation also clarifies that transponders have replaced decals for commercial truck user fee purposes and indicates that the Internet portal through which the public obtains decals and transponders has been renamed the ''Decal and Transponder Online Procurement System (DTOPS).'' In addition, the user fee decal program, certain administrative aspects of which had previously been managed by a private bank under a contract with CBP, is currently being administered entirely within CBP, and this document updates the addresses to which applicable forms and payments are to be mailed as a result of this change. Finally, this document amends the applicable regulations to provide for certain updated CBP form numbers, and to make nomenclature changes reflecting the transfer of CBP to the Department of Homeland Security. It should be noted that the amendments set forth in this document will not result in any change to the amount of the actual user fees.

DATES: This final rule is effective on January 24, 2013.

FOR FURTHER INFORMATION CONTACT: Sarah Kubon, Chief, Project Development and Oversight Section, Programs Branch, Revenue Division, Office of Administration, (317) 614–4917.

SUPPLEMENTARY INFORMATION:

Background

U.S. Customs and Border Protection (CBP) collects user fees to pay for the costs incurred in providing customs services in connection with certain activities under the authority of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, codified at section 19 U.S.C. 58c. These user fees offset inspection costs that were previously funded solely by general taxpayer revenue. Sections 24.22(b)–(e) and (g) of the CBP regulations (19 CFR 24.22(b)–(e) and (g)) provide that, under certain circumstances, user fees must be paid upon arrival into the United States of certain commercial vessels, barges, and other bulk carriers from Canada or Mexico; commercial trucks; railroad cars; certain private vessels or private aircraft; and passengers aboard commercial vessels and commercial aircraft. Section 24.22(f) of the CBP regulations (19 CFR 24.22(f)) provides that a processing fee will be assessed for the addressee of each item of dutiable mail for which a CBP officer prepares documentation. The specific user fees

charged for each type of arrival and the procedures for payment are also set forth under § 24.22.

For user fee collection purposes, it should be noted that the term ''decals'' refers to stickers that are required to be placed on private aircraft or private vessels 30 feet or more in length as proof that applicable user fees for entry into the United States have been paid for the calendar year. The term ''transponders'', on the other hand, refers to paper stickers which contain a chip that electronically transmits confirmation that applicable user fees for commercial trucks have been paid for the calendar year.

The purpose of this document is to make technical changes to the regulations regarding the collection of user fees. This document: clarifies that CBP collects the Animal and Plant Health Inspection Service (APHIS) portion of the commercial truck user fee, which is called an Agricultural Quarantine and Inspection (AQI) user fee by the U.S. Department of Agriculture in part 354 of title 7 of the Code of Federal Regulations (7 CFR part 354), upon arrival into the United States; renames the Internet portal through which the public obtains decals and transponders; updates addresses to which applicable forms and payments are to be mailed; replaces decals with transponders for commercial truck user fee purposes; updates CBP form numbers; organizes the structure of § 24.22; and makes nomenclature changes reflecting the transfer of CBP to the Department of Homeland Security.

Discussion of Amendments

Animal and Plant Health Inspection Service (APHIS)/Agricultural Quarantine and Inspection (AQI) and CBP User Fees

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is responsible for protecting and promoting U.S. agricultural health, regulating genetically engineered organisms, and monitoring and promoting wildlife management and animal welfare. The regulations in part 354 of title 7 of the Code of Federal Regulations (7 CFR part 354) set forth the user fees for import- and export-related services provided by APHIS. Although not specifically set forth in the CBP regulations, the applicable APHIS/AQI user fee for commercial trucks have customarily been collected by CBP on behalf of APHIS. To facilitate entry and provide transparency to the entry process for commercial trucks, this document sets forth amendments to §§ 24.22(c)(1), (c)(2), (c)(3), and (i)(3)) of the CBP regulations (19 CFR 24.22(c)(1), (c)(2), (c)(3), and (i)(3)) to clarify in the regulatory text that the applicable APHIS/AQI and CBP user fees for commercial trucks are collected by CBP upon arrival into the United States. The CBP user fee and the APHIS/AQI user fee are collected together, either in an annual payment, in which case a transponder is issued, or CBP collects the two fees in one payment on a per-arrival basis. This document also makes corresponding amendments to § 24.22(i)(3), relating to the applicable class codes and payment locations for commercial truck user fee purposes, by inserting the applicable class codes for the payment of APHIS/AQI fees. In this regard, the APHIS/AQI class code for an individual arrival is ''482'' and the APHIS/AQI class code reflecting the prepayment of fees for the maximum calendar year fee is ''483.''

Commercial Trucks and Transponders

Section 24.22(c) sets forth the regulations pertaining to the user fees for commercial trucks. Section 24.22(c)(2), pertaining to fee limitations, currently provides that no user fee for the arrival of a commercial truck will be collected if the specified prepayment has been made and a decal has been affixed to the vehicle's windshield. In a document published in the **Federal Register** (71 FR 20922) on April 24, 2006, CBP noted that transponders have replaced decals for commercial truck user fee purposes.

Accordingly, this document amends § 24.22(c)(2) of the CBP regulations (19 CFR 24.22(c)(2)) to clarify that a user fee for the arrival of a commercial truck will not be collected every time the vehicle crosses the border if the specified prepayment of both the CBP fee and the APHIS/AQI fee has been made and a transponder has been affixed to the vehicle's windshield. This document makes corresponding amendments to § 24.22(c)(3), pertaining to the prepayment of user fees for commercial trucks, by replacing certain references to ''decal'' with reference to ''transponder'' as set forth below. CBP notes that transponders do not have to be physically replaced upon renewal each year if they continue to function properly.

Decal and Transponder Online Procurement System (DTOPS) and Address Updates

As discussed earlier, decals are used for private aircraft or private vessels 30 feet or more in length, and transponders are used for commercial trucks. User fee prepayments and quarterly payments submitted to CBP on the Internet or through the mail were previously processed by a private bank pursuant to a contract with CBP under a program generally referred to as the ''User Fee Decal Program.'' Upon the expiration of the contract with the private bank, CBP decided to process user fee prepayment and quarterly payment requests in-house to enhance CBP's user fee collection efforts and to reduce operating costs associated with administering the program. CBP has decided to rename the Internet portal through which online prepayments for decals and transponders are submitted as the ''Decal and Transponder Online Procurement System (DTOPS)'' to more accurately reflect that transponders, as well as decals, are available on the system. As with the User Fee Decal Program, decal and transponder prepayment requests made by credit card under DTOPS may still be made via the Internet through the ''Travel'' link at CBP's Web site at *http://www.cbp.gov.* CBP is able to process user fee prepayment requests and accept electronic payments through the DTOPS.

While CBP's preferred method of receiving user fee prepayment requests and user fee payments is through DTOPS, requests and payments also may also be made by mail. This document amends § 24.22(c)(3) (private vessels or private aircraft) and § 24.22(e)(2) (private vessels or private aircraft) to reflect the correct mailing address for these purposes. The correct mailing address for these purposes is: ''U.S. Customs and Border Protection, Attn: DTOPS Program Administrator, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278.'' This document further updates the address to which user fee prepayments are to be mailed and processed for railroad cars in §§ 24.22(d)(3) and (d)(4)(ii) and for quarterly payments relating to the arrival of passengers aboard commercial vessels and commercial aircraft in § 24.22(g)(5) by cross-referencing the address listed in § 24.22(i). The correct address for these purposes is: ''U.S. Customs and Border Protection, Revenue Division, Attn: User Fee Team, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278.''

Prepayment at the Port

Section 24.22 of the CBP regulations (19 CFR 24.22) contains specific guidelines concerning the prepayment of user fees. Under the current regulations, the prepayment of user fees may be made on the Internet, through the mail, or at the port of arrival, but it should be noted that the accepted

method of prepayment varies based upon the type of arrival. For example, under the current regulations, § 24.22(b)(3) provides that user fee prepayments for certain commercial vessels must be made at the CBP port office, whereas user fee prepayments for commercial trucks (§ 24.22(c)(3)) and private vessels or aircraft (§ 24.22(e)(2)) may be made on the Internet, through the mail, and, under certain circumstances, at the port.

Sections 24.22(c)(3) and (e)(2) specifically provide that the option to prepay user fees at the port for commercial trucks and private vessels or aircraft is subject to the port director's discretion to maintain user fee decal inventories at the port. However, CBP now keeps no user fee decal and transponder inventories at ports in order to facilitate port operations by minimizing internal control risks associated with maintaining the inventories in the field. Accordingly, this document amends §§ 24.22(c)(3) and (e)(2) by removing from the regulations the references to the option for prepayment at the port. As a result of this change, amended §§ 24.22(c)(3) and (e)(2) clarify that user fees for commercial trucks and private vessels or private aircraft may be prepaid through the mail or on the Internet.

Information Submission and Fee Remittance Procedures

Currently, section 24.22(i), which pertains to information submission and fee remittance procedures, provides that in addition to any information specified in 24.22(d)(4) and (g)(5) when applicable, each payment of user fees made by mail must be accompanied by information identifying the person or organization remitting the fee, the type of fee being remitted, and the time period to which the payment applies. Current section 24.22(i) also provides that all fee payments required under § 24.22 must be in the amounts prescribed and must be in U.S. currency, or by check or money order payable to CBP in accordance with § 24.1. In order to make a payment electronically under § 24.22(i), authorization may be obtained by writing to the National Finance Center.

With respect to payment procedures, CBP notes that the Financial Management Service (FMS) of the U.S. Department of the Treasury provides central payment services to Federal agencies, operates the Federal government's collections and deposit systems, provides government-wide accounting and reporting services, and manages the collection of delinquent debt owed to the Government.

CBP believes that because of technological advancements and the integration of modern payment technology into many CBP locations, it is no longer efficient or necessary for the public to write to the National Finance Center in order to obtain authorization to pay fees electronically. However, CBP is adding language in § 24.22(i) noting that to pay railroad user fees on Pay.gov, an email must be sent to the following email address belonging to the Office of Administration, Revenue Division to establish a Pay.gov account: *CUFIUFHelp@cbp.dhs.gov.* Once the Pay.gov account is established, payments may be made directly on Pay.gov without a further need to contact CBP.

Moreover, CBP is making a clarifying amendment to § 24.22(c)(3) noting that if any of the information provided on the CBP Form 339C or the online application changes during the calendar year, the owner, agent, or person in charge of the commercial truck must inform the CBP Decal and Transponder Online Procurement System (DTOPS) Program Administrator of the changed information in writing, or update the information on the CBP Web site referenced above, no later than 15 days from the date of the change. Failure to timely notify CBP of changed information may result in the commercial truck being stopped for secondary inspection, assessment of liquidated damages, or other sanctions.

Other Technical Amendments

This document further amends § 24.22 in order to reflect that Customs Form 339 (Annual User Fee Decal Request) has been replaced by three entry-specific forms: CBP Form 339A (Annual User Fee Decal Request—Aircraft); CBP Form 339C (Annual User Fee Decal Request—Commercial Vehicle); and CBP Form 339V (Annual User Fee Decal Request—Vessels). In this regard, this document specifically removes the reference in § 24.22(c)(3) to the ''Customs Form 339, Annual User Fee Decal Request'' and adds, in its place, ''CBP Form 339C (Annual User Fee Decal Request—Commercial Vehicle).'' This document also amends §§ 24.22(e)(1) and (e)(2) by removing the term ''Customs Form 339, Annual User Fee Decal Request'' and adding in its place, ''CBP Form 339V (Annual User Fee Decal Request—Vessels) or CBP Form 339A (Annual User Fee Decal Request—Aircraft)''.

This document also amends §§ 24.22(d)(4)(ii) and (g)(5) by clarifying that the payments required by §§ 24.22(d) and (g) must be made in accordance with the procedures and payment methods set forth in their respective paragraphs and § 24.22(i).

Finally, this document proposes non-substantive amendments to § 24.22 to reflect nomenclature changes necessitated by the transfer of the agency to the Department of Homeland Security.

Inapplicability of Notice and Delayed Effective Date

Pursuant to 5 U.S.C. 553(a)(2), the Administrative Procedure Act does not apply to this rulemaking because the amendments set forth in this document pertaining to the decisions to administer the user fee decal and transponder programs within CBP are matters relating to agency management and contracts. In addition, the technical corrections relating to updated CBP form numbers, CBP addresses, and nomenclature changes effected by the transfer of CBP to the Department of Homeland Security are matters relating to agency management. The Administrative Procedure Act does not apply to this rulemaking because the amendments regarding the collection of APHIS/AQI and CBP fees, the removal of the option to make prepayments at the ports, and the replacement of decals with transponders for commercial truck user fee purposes concern matters relating to agency procedure and practice pursuant to 5 U.S.C. 553(b)(A). For these same reasons, pursuant to 5 U.S.C. 553(b)(B) and (d)(3), CBP has determined that it would be unnecessary to delay publication of this rule in final form pending an opportunity for public comment and that there is good cause for this final rule to become effective immediately upon publication.

Regulatory Flexibility Act

Because this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*).

Executive Order 12866

These amendments do not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866.

Paperwork Reduction Act

This package does not include any new information collections. The information collections regarding the payment of the user fees discussed in this document have already been approved by OMB under control number 1651–0052.

Signing Authority

This document is limited to technical corrections of the CBP regulations. Accordingly, it is being signed under the authority of 19 CFR 0.1(b)(1).

List of Subjects in 19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Harbors, Reporting and recordkeeping requirements, Taxes.

Amendments to the CBP Regulations

For the reasons set forth above, part 24 of the CBP regulations (19 CFR part 24) is amended as set forth below.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

■ 1. The general authority citation for part 24 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58a-58c, 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1505, 1520, 1624; 26 U.S.C. 4461, 4462; 31 U.S.C. 9701; Public Law 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*);

* * * * *

■ 2. In § 24.22:

■ a. Paragraph (b)(1)(i) is amended by removing the word ''shall'' in the first sentence and adding in its place the word ''must'', and by removing the word ''shall'' in the last sentence and adding in its place the word ''will'';

■ b. Paragraph (b)(1)(ii) is amended by removing the word ''shall'' and adding in its place the word ''will'', and by removing the word ''Customs'' and adding in its place the term ''CBP'';

■ c. Paragraph (b)(2)(i) is amended by removing the word ''shall'' in the first sentence and adding in its place the word ''must'', and by removing the word ''shall'' in the second sentence and adding in its place the word ''will'';

■ d. Paragraph (b)(2)(ii) is amended by removing the word ''shall'' and adding in its place the word ''will'', and by removing the word ''Customs'' and adding in its place the term ''CBP'';

■ e. Paragraph (b)(3) is amended by removing the word ''Customs'' in the parenthetical ''(Customs Form 368 or 368A)'' and adding in its place the term ''CBP'';

■ f. Paragraph (c)(1) is amended by removing the word ''shall'' in the second sentence and adding in its place the word ''will'', and by removing the first sentence and adding two sentences in its place to read as set forth below.

■ g. Paragraph (c)(2) is amended by:

■ i. Removing the word ''shall'' and adding in its place the word ''will'';

■ ii. Removing the amount ''$100'' and adding in its place the words ''the commercial truck fee, as defined in paragraph (c)(1),''; and

■ iii. Removing the word ''decal'' and adding in its place the word ''transponder'';

■ h. Paragraph (c)(3) is revised to read as set forth below.

■ i. Paragraph (d)(1) is amended by removing the word ''shall'' each place it appears in the first and second sentences and adding in its place the word ''will'', and by removing the word ''shall'' in the third sentence and adding in its place the word ''must'';

■ j. Paragraph (d)(2) is amended by removing the word ''shall'' and adding in its place the word ''will'', and by removing the word ''Customs'' and adding in its place the term ''CBP'';

■ k. Paragraph (d)(3) is amended by removing the words ''mailed to: Customs and Border Protection, National Finance Center, Collections Section, P.O. Box 68907, Indianapolis, IN 46268 (or, if for overnight delivery, to: the same addressee at 6026 Lakeside Blvd., Indianapolis, IN 46278)'' and adding in their place the words ''made in accordance with the procedures and payment methods set forth in this paragraph and paragraph (i) of this section'';

■ l. Paragraph (d)(4)(i) is amended by removing the word ''shall'' each place it appears and adding in its place the word ''must'', and by removing the word ''Customs'' each place it appears and adding in its place the term ''CBP'';

■ m. Paragraph (d)(4)(ii) is amended by:

■ i. Removing the word ''shall'' each place it appears and adding in its place the word ''must'';

■ ii. Removing the word ''Customs'' the first time it appears and adding, in its place, the term ''CBP''; and

■ iii. Removing the last sentence of the paragraph and adding in its place the following: ''Payment must be made in accordance with the procedures and payment methods set forth in this paragraph and paragraph (i) of this section.'';

■ n. Paragraph (d)(5) is amended by removing the word ''shall'' each place it appears and adding in its place the word ''must'', and by removing the word ''Customs'' each place it appears and adding in its place the term ''CBP'';

■ o. Paragraph (e)(1) is amended by removing the words ''A properly completed Customs Form 339, Annual User Fee Decal Request,'' and adding in its place the words ''Either a properly completed CBP Form 339V (Annual User Fee Decal Request—Vessels) or CBP Form 339A (Annual User Fee Decal Request—Aircraft)'';

■ p. Paragraph (e)(2) is amended by adding the words ''and payment methods'' before the words ''set forth in this paragraph and paragraph (i) of this section.'', and by removing the last three sentences and adding two sentences in their place to read as set forth below.

■ q. Paragraph (e)(3)(i) is amended by removing the word ''Customs'' and adding in its place the term ''CBP'';

■ r. Paragraph (f) is amended by removing the word ''shall'' each place it appears and adding in its place the word ''will'', and by removing the word ''Customs'' each place it appears and adding in its place the term ''CBP'';

■ s. Paragraph (g)(1)(ii) is amended by removing the word ''Customs'' and adding in its place the term ''CBP'';

■ t. Paragraph (g)(5) introductory text is revised to read as set forth below.

■ u. Paragraph (g)(6) is amended by removing the word ''Customs'' and adding in its place the term ''CBP'';

■ v. Paragraph (g)(7) is amended by removing the word ''shall'' each place it appears and adding in its place the word ''must'', and by removing the word ''Customs'' each place it appears and adding in its place the term ''CBP'';

■ w. Paragraph (g)(8) is amended by removing the word ''Customs'' and adding in its place the term ''customs'', and by removing the word ''shall'' and adding in its place the word ''will'';

■ x. Paragraph (i), introductory text, is revised to read as set forth below.

■ y. Paragraph (i)(3) is amended by removing the words ''class code 492'' and adding in their place the words ''class code 492 for the CBP fee and class code 482 for the APHIS/AQI fee'', and by removing the words ''class code 902'' and adding in their place the words ''class code 902 for the CBP fee and class code 483 for the APHIS/AQI fee'';

■ z. Paragraph (j) is amended by:

■ i. Removing the words ''Customs duty'' in its heading and each place it appears in the text of the paragraph, and adding in its place the words ''customs duty'';

■ ii. Removing the words ''Customs laws and regulations'' and adding in its place the words ''customs laws and regulations''; and

■ iii. Removing the word ''shall'' each place it appears and adding in its place the word ''will''.

The additions and revisions read as follows:

§ 24.22 Fees for certain services.

* * * * *

(c) * * * (1) *Fee.* The fee for a commercial truck consists of both an Animal and Plant Health Inspection Service/Agricultural Quarantine Inspection (APHIS/AQI) fee set forth in 7 CFR 354.3 for the services provided and a CBP fee of $5.50 that CBP collects on behalf of APHIS. Upon arrival at a

CBP port of entry, the driver or other person in charge of a commercial truck must tender the fee to CBP unless it has been prepaid as provided for in paragraph (c)(2) of this section.

* * * * *

(3) *Prepayment.* The owner, agent, or person in charge of a commercial vehicle may at any time prepay the commercial truck fee as defined in paragraph (c)(1) for all arrivals of that vehicle during a calendar year or any remaining portion of a calendar year. Prepayment must be made in accordance with the procedures and payment methods set forth in this paragraph and paragraph (i) of this section. The transponder request and prepayment by credit card or ACH debit may be made via the Internet through the ''Travel'' link on the CBP Web site located at *http://www.cbp.gov*. Alternatively, prepayment may be sent by mail with credit card information, check, or money order made payable to U.S. Customs and Border Protection, along with a completed CBP Form 339C (Annual User Fee Decal Request—Commercial Vehicle) for each commercial truck to the following address: U.S. Customs and Border Protection, Attn: DTOPS Program Administrator, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278. Once the prepayment has been made under this paragraph, a transponder will be issued to be permanently affixed by adhesive to the lower left hand corner of the vehicle windshield in accordance with the accompanying instructions, to show that the vehicle is exempt from payment of the fees for individual arrivals during the applicable calendar year or any remaining portion of that year. If any of the information provided on the CBP Form 339C or the online application changes during the calendar year, the owner, agent, or person in charge of the commercial truck must inform the CBP Decal and Transponder Online Procurement System (DTOPS) Program Administrator of the changed information in writing, or update the information on the CBP Web site referenced above, no later than 15 days from the date of the change. Failure to timely notify CBP of changed information may result in the commercial truck being stopped for secondary inspection, assessment of liquidated damages, or other sanctions.

* * * * *

(e) * * *

(2) * * * The decal request and prepayment by credit card or ACH debit may be made via the Internet through the ''Travel'' link at the CBP Web site located at *http://www.cbp.gov*. Alternatively, prepayment may be sent by mail with credit card information, check, or money order made payable to U.S. Customs and Border Protection, along with a properly completed CBP Form 339V (Annual User Fee Decal Request—Vessels) or CBP Form 339A (Annual User Fee Decal Request—Aircraft), to the following address: U.S. Customs and Border Protection, Attn: DTOPS Program Administrator, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278.

* * * * *

(g) * * *

(5) *Quarterly payment and statement procedures.* Payment to CBP of the fees required to be collected under paragraph (g)(1) of this section must be made no later than 31 days after the close of the calendar quarter in which the fees were required to be collected from the passenger. Payment of the fees must be made to the party required to collect the fee under paragraph (g)(4)(i) of this section, and must be made in accordance with the procedures and payment methods set forth in this paragraph and paragraph (i) of this section. Overpayments and underpayments may be accounted for by an explanation with, and adjustment of, the next due quarterly payment to CBP. The quarterly payment must be accompanied by a statement that includes the following information:

* * * * *

(i) Information submission and fee remittance procedures. In addition to any information specified elsewhere in this section, each payment made by mail must be accompanied by information identifying the person or organization remitting the fee, the type of fee being remitted (for example, railroad car, commercial truck, private vessel), and the time period to which the payment applies and must be mailed to the following address: U.S. Customs and Border Protection, Revenue Division, Attn: User Fee Team, 6650 Telecom Drive, Suite 100, Indianapolis, IN 46278. All fee payments required under this section in U.S. dollars, and must be paid in accordance with the provisions of § 24.1. The fees may be made using any payment method authorized by § 24.1 and for which the CBP location receiving the payment is equipped to process, and are subject to any restrictions as described elsewhere in this section. To pay railroad user fees on Pay.gov, an email must be sent to the Office of Administration, Revenue Division to establish a Pay.gov account. The email address for this purpose is *CUFIUFHelp@cbp.dhs.gov*. Once the Pay.gov account is established, payments may be made directly on Pay.gov without a further need to contact CBP. Where payment is made at a CBP port, credit cards will be accepted only where the port is equipped to accept credit cards for the type of payment being made. Check or money orders must be made payable to U.S. Customs and Border Protection and must be annotated with the appropriate class code. The applicable class codes and payment locations for each fee are as follows:

* * * * *

Dated: January 16, 2013.

David V. Aguilar,

Deputy Commissioner, U.S. Customs and Border Protection.

[FR Doc. 2013–01166 Filed 1–23–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2012–1071]

RIN 1625–AA00

Safety Zone; Monongahela River, Charleroi, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all waters between mile 40.5 and mile 42.5 on the Monongahela River. The safety zone is needed to protect construction workers and vessels transiting the area from the hazards associated with demolition operation being conducted on a guard wall upstream of Lock and Dam 4 near Charleroi, PA. Entry into, movement within, and departure from this Coast Guard Safety Zone, while it is activated and enforced, is prohibited, unless authorized by the Captain of the Port Pittsburgh or a designated representative.

DATES: This rule is effective in the CFR on January 24, 2013 through 5:00 p.m. on March 1, 2013. This rule is effective with actual notice for purposes of enforcement at 7:00 a.m. on January 9, 2013. This rule will remain in effect through 5:00 p.m. on March 1, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2012–1071. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket

number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MSTC Chris Blank, Marine Safety Unit Pittsburgh, U.S. Coast Guard; telephone (412) 644–5808 ext. 2108, email *Christopher.L.Blank@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The Coast Guard received notice for this event on January 3, 2013 which does not allow for the NPRM process. After full review of the event information and location, the Coast Guard determined that a safety zone is necessary. Publishing a NPRM would be impracticable and would unnecessarily delay the immediate action that is needed to protect the public from the possible hazards associated with demolition operation being conducted on a guard wall upstream of Lock and Dam 4 that will occur in Charleroi, PA. Delaying the demolition operation to provide a notice and comment period before effecting this safety zone is also impracticable, as it would impede the flow of commercial river traffic and interfere with contractual obligations based on the demolition operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Providing 30 days notice would unnecessarily delay the effective date, be impracticable, and contrary to public interest because immediate action is needed to protect the public from the possible hazards associated with demolition operation being conducted on a guard wall upstream of Lock and Dam in Charleroi, PA.

B. Basis and Purpose

The Joseph B. Fay Company has been contracted by the Army Corps of Engineers to conduct demolition operations that include four to seven explosive blasts between January 9, 2013 and March 1, 2013 to remove an 1100 foot section of guard wall upstream of Lock and Dam 4 in Charleroi, PA. This event poses hazardous conditions on the river and additional safety measures to ensure vessel and mariner safety are required in the form of a safety zone.

The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

C. Discussion of the Final Rule

The Coast Guard is establishing a temporary safety zone for all waters between mile 40.5 and 42.5 on the Monongahela River. Vessels shall not enter into, depart from, or move within this safety zone without permission from the Captain of the Port Pittsburgh or her designated representative. Persons or vessels requiring entry into or passage through a safety zone must request permission from the Captain of the Port Pittsburgh, or a designated representative. They may be contacted on VHF–FM Channel 13 or 16, or through Coast Guard Sector Ohio Valley at (800) 253–7465. This rule will become effective at 7:00 a.m. on January 9, 2013 and remain in effect until 5 p.m. on March 1, 2013, but will only be enforced during intermittent periods that will be announced by broadcast notices to mariners with as much advanced notice as possible. Due to the unpredictability of the Monongahela River, weather and river forecasts will be used to determine the most suitable conditions for demolition operations. Advanced notice will be given to the maximum extent possible, but despite best efforts, the safety zone may be established with minimal notice when ideal work conditions are identified. The Captain of the Port Pittsburgh will inform the public and maritime industry through broadcast notice to mariners of the enforcement periods and changes to the safety zone and its enforcement.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. Although this rule will be effective from January 9, 2013 until March 1, 2013, unless demolition operation are completed sooner, it will only be enforced for a limited time periods during days scheduled for demolition operations. By enforcing this safety zone for limited periods of time throughout the effective period, marine traffic will not be significantly impacted. Entry into or passage through the safety zone will be considered on a case-by-case basis by the Captain of the Port Pittsburgh or designated representative. Notification of, and changes to, the enforcement period will be made via broadcast notice to mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit that portion of the waterways between mile 40.5 and mile 42.5 on the Monongahela River

during the enforcement period. This safety zone will not have a significant economic impact on a substantial number of small entities because the enforcement periods will be for a limited duration, less than two hours, intermittently throughout the effective period.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, section above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–1071 to read as follows:

§ 165.T08–1071 Safety Zone; Monongahela River, Charleroi, PA.

(a) *Location.* The following area is a safety zone: All waters from mile 40.5 and 42.5 on the Monongahela River.

(b) *Effective date.* This rule is effective from 7 a.m. on January 9, 2013 until 5 p.m. on March 1, 2013.

(c) *Periods of enforcement.* This rule will be enforced intermittently during the effective period when demolition operations are being conducted on a guard wall upstream of Lock and Dam 4. The timing of demolition operations is dependent on contractor availability, river forecast, and observed weather. The Captain of the Port Pittsburgh will inform the public of the enforcement

periods and any changes through broadcast notice to mariners.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Pittsburgh.

(2) Persons or vessels requiring entry into or passage through a safety zone must request permission from the Captain of the Port Pittsburgh or a designated representative. They may be contacted on VHF–FM Channel 13 or 16, or through Coast Guard Sector Ohio Valley at 1–800–253–7465.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Pittsburgh and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel includes Commissioned, Warrant, and Petty Officers of the U.S. Coast Guard.

Dated: January 8, 2013.

Lindsay N. Weaver,

Commander, U.S. Coast Guard, Captain of the Port, Pittsburgh.

[FR Doc. 2013–01412 Filed 1–23–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2011–1025, FRL–9762–5]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to New Source Review Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions adopted by the State of Colorado on December 15, 2005, to Regulation No. 3 (Air Pollutant Emission Notice and Permitting Requirements). Colorado submitted the request for approval of these rule revisions into the State Implementation Plan (SIP) on August 21, 2006. The revisions remove repealed provisions in Regulation No. 3 that pertain to the issuance of Colorado air quality permits; the revisions also implement other minor administrative changes and renumbering. The intended effect of this action is to take final action to approve the rules that are consistent with the Clean Air Act (CAA.) This action is being taken under section 110 of the CAA.

DATES: This final rule is effective February 25, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2011–1025. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, Mailcode 8P–AR, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, or *leone.kevin@epa.gov*.

SUPPLEMENTARY INFORMATION:

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Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *State* or *Colorado* mean the State of Colorado, unless the context indicates otherwise.

I. Background Information

On December 31, 2002, EPA published revisions to the federal Prevention of Significant Deterioration (PSD) and non-attainment NSR regulations. These revisions are commonly referred to as ''NSR Reform'' and became effective nationally in areas not covered by a SIP on March 3, 2003. The NSR Reform revisions included provisions for baseline emissions determinations, actual-to-future actual methodology, plantwide applicability limits (PALs), clean units, and pollution control projects (PCPs). On June 24, 2005, the United States Court of Appeals for the District of Columbia Circuit issued its decision and opinion in the case of *New York* v. *U. S. Environmental Protection Agency,* 413 F.3d 3 (D.C. Cir. 2005). The court concluded that, regarding the clean unit exemption from NSR, the plain language of the Clean Air Act indicated that Congress intended to apply NSR to changes that increase actual emissions instead of potential or allowable emissions. As a result, the court vacated the clean units portions of the Federal Rule. The court also concluded that EPA lacks the authority to create pollution control project exemptions from NSR and vacated the PCP portions of both the 1992 WEPCO Rule and the 2002 NSR Reform rule. By vacating those portions of the Federal NSR rule, the court terminated those exemptions to new source review. The court also remanded back to EPA the ''reasonable possibility'' standard for when a source must keep certain project related records.

The State of Colorado submitted a formal SIP revision on July 11, 2005, followed by a supplemental submittal on October 25, 2005. These submittals requested approval for regulations to implement the NSR Reform provisions that were not vacated or remanded by the June 24, 2005 court decision; including renumbering, reorganizing, and revised definitions. On April 10, 2012 (77 FR 21453), EPA published a notice of final rulemaking for the July 11, 2005, and October 25, 2005 submittals. In that action, EPA approved renumbering, reorganizing and portions of Colorado's revisions to the Stationary Source Permitting and Air Pollutant Emission Notice Requirements (Regulation No. 3) that incorporate EPA's December 31, 2002 NSR Reform; however, EPA considered as withdrawn the portions of the submittals that implemented the clean unit and pollution control project exemptions. EPA also approved a version of the recordkeeping requirements that removed the ''reasonable possibility'' standard.

Colorado adopted revisions on December 15, 2005, and submitted these revisions, which we are addressing in this action, on August 21, 2006. These revisions reflect the removal of references to clean units, pollution control projects, and the ''reasonable possibility'' standard from the State's rules. As a result of the deletion of these references, many provisions were renumbered and references to them

updated. The submittal also included other minor administrative changes to Regulation No. 3.

Colorado's August 21, 2006 submittal supersedes the portions of the Colorado's July 11, 2005 and October 25, 2005, submittals which were considered withdrawn in our April 10, 2012 action. EPA is taking final action on these revisions in this rulemaking.

II. Response to Comments

EPA proposed action on these revisions on July 9, 2012 (77 FR 40315.) We accepted comments from the public on this proposal through August 8, 2012. EPA received no comments during the public comment period.

III. What are the changes EPA is taking final action to approve?

EPA is taking final action to approve all revisions to Regulation No. 3 as submitted on August 21, 2006, with one exception, including renumbering that resulted from removing provisions that were vacated or remanded in the June 24, 2005 court decision, as well as minor administrative changes. We are not approving the removal of provisions that were considered withdrawn in our April 10, 2012 action (77 FR 21453), as these provisions were never approved into the SIP. We are only approving the renumbering that resulted from Colorado's removal of those provisions from Regulation Number 3. In a number of instances, the provisions that were approved in our April 10, 2012 action contain italicized and underlined text. As explained in our April 10, 2012 notice, the italicized text was to be added to the SIP and the underlined text removed from the SIP upon our approval of the NSR reform provisions. As that approval was completed in our April 10, 2012 action, in this action we incorporate only the plain and italicized text of the renumbered provisions.

The exception stems from a final action EPA took on January 9, 2012 (77 FR 1027). In that action, we approved revisions to Regulation Number 3, Part C, that were submitted on August 1, 2007 to meet the requirements of the Phase 2 Implementation Rule for the 1997 ozone NAAQs (70 FR 71612, Nov. 29, 2005). As the August 1, 2007 submittal was subsequent to the August 21, 2006 submittal we are approving today, the provisions we approved in our January 9, 2012 action (listed in Table 2 of 77 FR 1027) already reflect the renumbering of Part C and supersede the provisions in the August 21, 2006 submittal. As explained in our January 9, 2012 notice, the subsequent approval of the remaining renumbering of Part C—which we are carrying out today—resolves any discrepancy in the numbering of Part C.

As part of the NSR Reform rule, EPA allowed sources to calculate their actual and projected actual emissions to determine whether a modification will trigger NSR. If a source concludes that there is no ''reasonable possibility'' that emissions from a project will trigger NSR, the source is not required to keep records substantiating that calculation. However, the data and records would necessarily be generated by the owner or operator to calculate its emissions.

Colorado did not follow the federal rule in this regard. In Section I.B.5., Colorado imposes a requirement that owners or operators using the actual-to-projected-actual applicability test for a project that requires a minor source permit or modification [pursuant to Part A, Section I.B.26.; Part C, Section I.A.3.; or Part C, Section X.; or any minor source permit under any provisions of Part B], submit an otherwise-required permit application and include documentation adequate to substantiate calculations made for the test.

The June 24, 2005, DC Circuit court opinion also addressed the recordkeeping and reporting requirements of the federal rule. The 2002 rule excused a source from maintaining records of the information and calculations used in the actual-to-projected actual applicability test if the source determined that there was no ''reasonable possibility'' that the modification would trigger NSR. These are the same records necessary to substantiate calculations made for the applicability test. The court concluded that lack of evidence, in the form of data and records, could inhibit enforceability of the NSR program in this context. The court remanded this part of the rule. On December 21, 2007, EPA published a final rule in response to the DC Circuit Court's remand of the recordkeeping provisions of EPA's 2002 NSR Reform Rules (see 72 FR 72607) in which EPA clarified what constitutes ''reasonable possibility''. 72 FR 72607 established a ''percentage increase trigger'' by which there is a reasonable possibility that a change would result in a significant emissions increase if the projected emissions increase of a pollutant—determined by comparing baseline actual emissions to projected actual emissions—equaled or exceeded fifty percent of the applicable NSR significant level for that pollutant.

The State of Colorado requires sources retain records that, among other things, are essential to substantiate sources' calculations using the actual-to-projected-actual applicability test. Colorado also requires that a source submit its data and calculations along with a permit application that would otherwise be required for the physical or operational change. Colorado reviews the data and calculations only to confirm a source's conclusions whether it triggers NSR. The information submitted is then included in a non-enforceable appendix to a source's Title V Permit or as a permit note in the source's construction permit. Accordingly, Colorado elected not to modify Part D, Section I.B.5. and to modify Part D, Sections V.A.7.c. and VI.B.5. in a manner that maintains consistency with Section I.B.5. Part D, Sections V.A.7.c. and VI.B.5 were previously approved in 77 FR 21453 (April 10, 2012). EPA finds that the current Regulation No. 3 recordkeeping requirements are at least as stringent as in 72 FR 72607.

IV. What action is EPA taking today?

Based on the discussion in this notice, EPA finds that the renumbering resulting from Colorado's removal of vacated and remanded provisions from the June 24, 2005, court decision, and other minor administrative changes meet applicable requirements of the Act; and thus, the revisions are approvable under CAA section 110. Therefore, we are taking final action to approve Colorado's Regulation No. 3 revisions as submitted on August 21, 2006.

Specifically, we are taking final action to approve the renumbering—with the exception of renumbered provisions already approved in our January 9, 2012 action—resulting from the deletion of the following provisions:[1]

Part C, Section I.A.7.j
Part D, Section II.A.23.d.(viii)
Part D, Section II.A.27.c.(iv)
Part D, Section II.A.27.g.(v)
Part D, Section I.B.3.
Part D, Section I.D.
Part D, Section II.A.11.
Part D, Section II.A.35.
Part D, Section XV.
Part D, Section XVI.

We are approving the renumbering of the existing Regulation No. 3 rule because these changes are non-substantive and do not affect the meaning of the rule. The renumbering

[1] The provisions approved in our January 9, 2012 action are Regulation Number 3, Part C, Sections II.A.22.a, II.A.24.d, II.A.38.c, and II.A.42.a. Also, in our proposal for this action we proposed to delete Part A, Sections V.E.10 and V.E.11, and Part C, Section I.A.7.j from the SIP. However, these provisions were never approved into the SIP so deletion of them is unnecessary. The deletion of Part A, Sections V.E.10 and V.E.11 did not cause any renumbering; however, the deletion of Part C, Section I.A.7.j did cause renumbering and we are approving the renumbered sections.

changes are outlined in the August 21, 2006 state submittal (see docket).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this final action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 25, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds, Incorporation by reference.

Dated: November 27, 2012.

Howard M. Cantor,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart G—Colorado

■ 2. Section 52.320 is amended by adding paragraph (c)(125) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(125) On August 21, 2006, the State of Colorado submitted revisions to 5 CCR 1001–5, Regulation Number 3, *Air Pollution Emission Notice and Permitting Requirements.* The August 21, 2006, submittal included renumbering and deletions of Regulation Number 3. The incorporation by reference in paragraphs (c)(125)(i)(A) and (B) of this section reflect the renumbered sections, deletions and reference changes as of the August 21, 2006, submittal.

(i) Incorporation by reference

(A) 5 CCR 1001–5, Regulation Number 3, *Stationary Source Permitting and Air Contaminant Emission Notice Requirements,* Part C, *Concerning Operating Permits,* Section I, *Applicability,* I.A., *Definitions;* I.A.7.j., adopted December 15, 2005 and effective March 2, 2006.

(B) 5 CCR 1001–5, Regulation Number 3, *Stationary Source Permitting and Air Contaminant Emission Notice Requirements,* Part D, *Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration,* adopted December 15, 2005 and effective March 2, 2006:

(*1*) Section I, *Applicability,* I.A., *General Applicability;* I.A.2., I.B., *Applicability Tests;* I.B.3., I.B.4.

(*2*) Section II, *Definitions;* II.A.; II.A.1., *Actual Emissions;* II.A.1.d.; II.A.11., *Complete;* II.A.12., *Construction;* II.A.13., *Emissions Unit;* II.A.14., *Electric Utility Steam Generating Unit;* II.A.15., *Federal Land Manager (FLM);* II.A.16., *High Terrain;* II.A.17., *Hydrocarbon combustion flare;* II.A.18., *Innovative Control Technology;* II.A.19., *Low Terrain;* II.A.20., *Lowest Achievable Emission Rates (LAER)* (excluding underlined text); II.A.21., *Major Emissions Unit;* II.A.22., *Major Modification* (excluding II.A.22.a. and underlined text); II.A.23., *Major Source Baseline Date;* II.A.24., *Major Stationary Source* (excluding II.A.24.d. and underlined text); II.A.25., *Minor Source Baseline Date;* II.A.26., *Net Emissions Increase* (excluding underlined text); II.A.27., *Nonattainment Major New Source Review (NSR) Program;* II.A.28., *PAL Effective Date;* II.A.29., *PAL Effective Period;* II.A.30., *PAL Major Modification;* II.A.31., *PAL Permit;* II.A.32., *PAL Pollutant;* II.A.33., *Plantwide Applicability Limitation (PAL);* II.A.34., *Prevention of Significant Deterioration (PSD) Permit;* II.A.35., *Project;* II.A.36., *Projected Actual Emissions;* II.A.37., *Reactivation of Very Clean Coal-fired Electric Utility Steam Generating Unit;* II.A.38., *Regulated*

NSR Pollutant (excluding II.A.38.c.); II.A.39., *Replacement Unit;* II.A.40., *Repowering* (excluding underlined text); II.A.41., *Secondary Emissions;* II.A.42., *Significant* (excluding II.A.42.a.) ; II.A.43., *Significant Emissions Increase;* II.A.44., *Significant Emissions Unit;* II.A.45., *Small Emissions Unit;* II.A.46., *Temporary Clean Coal Technology Demonstration Project;* XV., *Actual PALs.*

(ii) Additional material.

(A) Notice of Final Adoption, dated 12/15/2005, signed by Douglas A. Lempke, Administrator, for revisions made to Regulation Number 3, *Air Pollution Emission Notice and Permitting Requirements.*

[FR Doc. 2013–00579 Filed 1–23–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111213751–2102–02]

RIN 0648–XC441

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule.

SUMMARY: NMFS is reallocating the projected unused amounts of the Aleut Corporation's and the Community Development Quota pollock directed fishing allowances from the Aleutian Islands subarea to the Bering Sea subarea directed fisheries. These actions are necessary to provide opportunity for harvest of the 2013 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 24, 2013, until the effective date of the final 2013 and 2014 harvest specifications for Bering Sea and Aleutian Islands (BSAI) groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the portion of the 2013 pollock total allowable catch (TAC) allocated to the Aleut Corporation's directed fishing allowance (DFA) is 15,500 metric tons (mt) and the Community Development Quota (CDQ) DFA is 1,900 mt as established by the final 2012 and 2013 harvest specifications for groundfish in the BSAI (77 FR 10669, February 23, 2012), and as adjusted by an inseason adjustment (78 FR 270, January 3, 2013).

As of January 17, 2013, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 10,500 mt of Aleut Corporation's DFA and 1,900 mt of pollock CDQ DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(*4*), NMFS reallocates 10,500 mt of Aleut Corporation's DFA and 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the 2013 Bering Sea subarea allocations. The 1,900 mt of pollock CDQ DFA is added to the 2013 Bering Sea CDQ DFA. The remaining 10,500 mt of pollock is apportioned to the AFA Inshore sector (50 percent), AFA catcher/processor sector (40 percent), and the AFA mothership sector (10 percent). The 2013 Bering Sea subarea pollock incidental catch allowance remains at 33,699 mt. As a result, the harvest specifications for pollock in the Aleutian Islands subarea included in the final 2012 and 2013 harvest specifications for groundfish in the BSAI (77 FR 10669, February 23, 2012) are revised as follows: 5,000 mt to Aleut Corporation's DFA and 0 mt to CDQ DFA. Furthermore, pursuant to § 679.20(a)(5), Table 3 of the final 2012 and 2013 harvest specifications for groundfish in the BSAI (77 FR 10669, February 23, 2012), as adjusted by the inseason adjustment (78 FR 270, January 3, 2013), is revised to make 2013 pollock allocations consistent with this reallocation. This reallocation results in adjustments to the 2013 Aleut Corporation and CDQ pollock allocations established at § 679.20(a)(5).

TABLE 3—FINAL 2012 AND 2013 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2012 Allocations	2012 A season [1]		2012 B season [1]	2013 Allocations	2013 A season [1]		2013 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea	1,212,400	n/a	n/a	n/a	1,259,400	n/a	n/a	n/a
CDQ DFA	121,900	48,760	34,132	73,140	126,600	50,640	35,448	75,960
ICA [1]	32,400	n/a	n/a	n/a	33,699	n/a	n/a	n/a
AFA Inshore	529,050	211,620	148,134	317,430	549,551	219,820	153,874	329,730
AFA Catcher/Processors [3]	423,240	169,296	118,507	253,944	439,640	175,856	123,099	263,784
Catch by C/Ps	387,265	154,906	n/a	232,359	402,271	160,908	n/a	241,363
Catch by CVs [3]	35,975	14,390	n/a	21,585	37,369	14,948	n/a	22,422
Unlisted C/P Limit [4]	2,116	846	n/a	1,270	2,198	879	n/a	1,319
AFA Motherships	105,810	42,324	29,627	63,486	109,910	43,964	30,775	65,946
Excessive Harvesting Limit [5]	185,168	n/a	n/a	n/a	192,343	n/a	n/a	n/a
Excessive Processing Limit [6]	317,430	n/a	n/a	n/a	329,730	n/a	n/a	n/a
Total Bering Sea DFA	1,058,100	423,240	296,268	634,860	1,099,101	439,640	307,748	659,461
Aleutian Islands subarea [1]	6,600	n/a	n/a	n/a	6,600	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0	0	0	n/a	0
ICA	1,600	800	n/a	800	1,600	800	n/a	800

TABLE 3—FINAL 2012 AND 2013 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]—Continued

[Amounts are in metric tons]

Area and sector	2012 Allocations	2012 A season [1]		2012 B season [1]	2013 Allocations	2013 A season [1]		2013 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA		A season DFA	SCA harvest limit [2]	B season DFA
Aleut Corporation	5,000	5,000	n/a	0	5,000	5,000	n/a	0
Bogoslof District ICA [7]	150	n/a	n/a	n/a	150	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the BS subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3 percent), is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the BS subarea, 40 percent of the DFA is allocated to the A season (January 20–June 10) and 60 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) and *(ii),* the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (1,600 mt), is allocated to the Aleut Corporation for a directed pollock fishery. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the directed pollock fishery.

[2] In the BS subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1. The remaining 12 percent of the annual DFA allocated to the A season may be taken outside of SCA before April 1 or inside the SCA after April 1. If less than 28 percent of the annual DFA is taken inside the SCA before April 1, the remainder will be available to be taken inside the SCA after April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(*A*)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(*A*)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of AI pollock. Since the pollock fishery opens January 20, 2013, it is important to immediately inform the industry as to the final Bering Sea subarea pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 11, 2013.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 18, 2013.

James P. Burgess,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–01432 Filed 1–18–13; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111213751–2102–02]

RIN 0648–XC458

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal To 60 Feet (18.3 Meters) Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by pot catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2013 Pacific cod total allowable catch (TAC) specified for pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA in the BSAI.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), January 22, 2013, through 1200 hours, A.l.t., September 1, 2013.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season apportionment of the 2013 Pacific cod TAC allocated as a directed fishing allowance to pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA in the BSAI is 9,911 metric tons as established by the final 2012 and 2013 harvest specifications for groundfish in the BSAI (77 FR 10669, February 23, 2012) and inseason adjustment (78 FR 270, January 3, 2013).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, has determined that the A season apportionment of the 2013 Pacific cod TAC allocated as a directed fishing allowance to pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA in the BSAI has been reached. Consequently, NMFS is prohibiting

directed fishing for Pacific cod by pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod by pot catcher vessels greater than or equal to 60 feet (18.3 m) LOA in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 17, 2013.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 18, 2013.

James P. Burgess,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–01437 Filed 1–18–13; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 111207737–2141–02]

RIN 0648–XC457

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2013 total allowable catch of pollock for Statistical Area 630 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 22, 2013, through 1200 hrs, A.l.t., March 10, 2013.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2013 total allowable catch (TAC) of pollock in Statistical Area 630 of the GOA is 5,998 metric tons (mt) as established by the final 2012 and 2013 harvest specifications for groundfish of the GOA (77 FR 15194, March 14, 2012) and inseason adjustment (78 FR 267, January 3, 2013).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2013 TAC of pollock in Statistical Area 630 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 5,698 mt and is setting aside the remaining 300 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 630 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 17, 2013.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 18, 2013.

James P. Burgess,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–01442 Filed 1–18–13; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 16
Thursday, January 24, 2013

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2012–1301; Notice No. 25–12–18–SC]

Special Conditions: Embraer S.A., Model EMB–550 Airplane, Dive Speed Definition With Speed Protection System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Embraer S.A. Model EMB–550 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features include a high-speed protection system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before March 11, 2013.

ADDRESSES: Send comments identified by docket number FAA–2012–1301 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/*, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477 19478), as well as at *http://DocketsInfo.dot.gov/*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Todd Martin, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–1178; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 14, 2009, Embraer S.A. applied for a type certificate for their new Model EMB–550 airplane. The Model EMB–550 airplane is the first of a new family of jet airplanes designed for corporate flight, fractional, charter, and private owner operations. The aircraft has a conventional configuration with low wing and T-tail empennage. The primary structure is metal with composite empennage and control surfaces. The Model EMB–550 airplane is designed for 8 passengers, with a maximum of 12 passengers. It is equipped with two Honeywell HTF7500–E medium bypass ratio turbofan engines mounted on aft fuselage pylons. Each engine produces approximately 6,540 pounds of thrust for normal takeoff. The primary flight controls consist of hydraulically powered fly-by-wire elevators, ailerons and rudder, controlled by the pilot or copilot sidestick.

The Model EMB–550 airplane incorporates a high-speed protection system in the airplane's flight control laws. The airplane's high-speed protection system limits nose-down pilot authority by adding automatic control inputs at threshold speeds above V_{MO}/M_{MO}, which influence the results of the traditional recovery maneuvers required in Title 14, Code of Federal Regulations (14 CFR) 25.335(b)(1). This speed protection system was not envisioned when § 25.335 was promulgated.

Type Certification Basis

Under the provisions of 14 CFR part 21.17, Embraer S.A. must show that the Model EMB–550 airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–127 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model EMB–550 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special

conditions, the Model EMB–550 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR 36 and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model EMB–550 airplane will incorporate the following novel or unusual design features: a high-speed protection system that limits nose-down pilot authority at speeds above V_{MO}/M_{MO}. This system prevents the airplane from performing the maneuver required under § 25.335(b)(1).

Discussion

Section 25.335(b)(1) is a dive speed condition that was originally adopted in part 4b of the Civil Air Regulations in order to provide an acceptable speed margin between design cruise speed and design dive speed. Flutter clearance design speeds and airframe design loads are impacted by the design dive speed. While the initial condition for the upset specified in the rule is 1*g* level flight, protection is afforded for other inadvertent overspeed conditions as well. Section 25.335(b)(1) is intended as a conservative enveloping condition for potential overspeed conditions, including non-symmetric conditions. To ensure that potential overspeed conditions are covered, the applicant should demonstrate that the dive speed will not be exceeded in inadvertent, or gust-induced, upsets resulting in initiation of the dive from non-symmetric attitudes; or that the airplane is protected by the flight control laws from getting into non-symmetric upset conditions. The applicant should conduct a demonstration that includes a comprehensive set of conditions, as described in the special conditions.

These special conditions are proposed in lieu of § 25.335(b)(1). Section 25.335(b)(2), which also addresses the design dive speed, is applied separately. Advisory Circular (AC) 25.335–1A, *Design Dive Speed,* dated September 29, 2000, provides an acceptable means of compliance to § 25.335(b)(2)).

Special conditions are necessary to address the high-speed protection system on the Model EMB–550. The proposed special conditions identify various symmetric and non-symmetric maneuvers that will ensure that an appropriate design dive speed, V_D/M_D, is established.

These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

This special condition is proposed in lieu of 14 CFR 25.335(b)(1). Section 25.335(b)(2), also addresses the design dive speed, but it is applied separately. Advisory Circular (AC) 25.335–1A, *Design Dive Speed,* dated September 29, 2000, provides an acceptable means of compliance to § 25.335(b)(2).

Applicability

As discussed above, these special conditions are applicable to the Model EMB–550 airplane. Should Embraer S.A. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Embraer S.A. Model EMB–550 airplanes.

1. Dive Speed Definition with Speed Protection System.

(1) In lieu of the requirements of 14 CFR 25.335(b)(1), if the flight control system includes functions that act automatically to initiate recovery before the end of the 20-second period specified in § 25.335(b)(1), V_D/M_D must be determined from the greater of the speeds resulting from the conditions (a) and (b) below. The speed increase occurring in these maneuvers may be calculated if reliable or conservative aerodynamic data are used.

(a) From an initial condition of stabilized flight at V_C/M_C, the airplane is upset and takes a new flight path 7.5 degrees below the initial path. Control application, up to full authority, is made to try and maintain this new flight path. Twenty seconds after initiating the upset, manual recovery is made at a load factor of 1.5*g* (0.5 acceleration increment), or such greater load factor that is automatically applied by the system with the pilot's pitch control neutral. Power, as specified in § 25.175(b)(1)(iv), is assumed until recovery is initiated, at which time power reduction and pilot-controlled drag devices may be used.

(b) From a speed below V_C/M_C, with power to maintain stabilized level flight at this speed, the airplane is upset so as to accelerate through V_C/M_C at a flight path 15 degrees below the initial path (or at the steepest nose down attitude that the system will permit with full control authority if less than 15 degrees). The pilot's controls may be in the neutral position after reaching V_C/M_C and before recovery is initiated. Recovery may be initiated three seconds after operation of the high-speed warning system by application of a load of 1.5*g* (0.5 acceleration increment), or such greater load factor that is automatically applied by the system with the pilot's pitch control neutral. Power may be reduced simultaneously. All other means of decelerating the airplane, the use of which is authorized up to the highest speed reached in the maneuver, may be used. The interval between successive pilot actions must not be less than one second.

(2) The applicant must also demonstrate that the speed margin, established as above, will not be exceeded in inadvertent, or gust-induced, upsets resulting in initiation of the dive from non-symmetric attitudes, unless the airplane is protected by the flight control laws from getting into non-symmetric upset conditions. The upset maneuvers described in paragraphs 32.c(3)(a) and 32.c(3)(c) of AC 25–7B, *Flight Test Guide for Certification of Transport Category Airplanes,* Change 1, dated December 7, 2011, may be used to comply with this requirement.

(3) Any failure of the high-speed protection system that would result in an airspeed exceeding those determined by paragraphs (1) and (2) must be less than 10^{-5} per flight hour.

(4) Failures of the system must be annunciated to the pilots. Flight manual instructions must be provided that reduce the maximum operating speeds V_{MO}/M_{MO}. The operating speed must be reduced to a value that maintains a speed margin between V_{MO}/M_{MO} and V_D/M_D that is consistent with showing compliance with § 25.335(b) without the benefit of the high-speed protection system.

(5) Dispatch of the airplane with the high-speed protection system

inoperative could be allowed under an approved minimum equipment list (MEL) that would require flight manual instructions to indicate reduced maximum operating speeds, as described in paragraph (4). In addition, the flightdeck display of the reduced operating speeds, as well as the overspeed warning for exceeding those speeds, must be equivalent to that of the normal airplane with the high-speed protection system operative. Also, it must be shown that no additional hazards are introduced with the high-speed protection system inoperative.

Issued in Renton, Washington, on December 10, 2012.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–01457 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2012–1332; Notice No. 25–12–19–SC]

Special Conditions: Embraer S.A., Model EMB–550 Airplanes; Flight Envelope Protection: General Limiting Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Embraer S.A. Model EMB–550 airplane. This airplane will have a novel or unusual design feature(s), specifically new control architecture and a full digital flight control system which provides flight envelope protections. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before March 11, 2013.

ADDRESSES: Send comments identified by docket number FAA–2012–1332 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2011; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On May 14, 2009, Embraer S.A. applied for a type certificate for their new Model EMB–550 airplane. The Model EMB–550 airplane is the first of a new family of jet airplanes designed for corporate flight, fractional, charter, and private owner operations. The aircraft has a conventional configuration with low wing and T-tail empennage. The primary structure is metal with composite empennage and control surfaces. The Model EMB–550 airplane is designed for 8 passengers, with a maximum of 12 passengers. It is equipped with two Honeywell HTF7500–E medium bypass ratio turbofan engines mounted on aft fuselage pylons. Each engine produces approximately 6,540 pounds of thrust for normal takeoff. The primary flight controls consist of hydraulically powered fly-by-wire elevators, aileron and rudder, controlled by the pilot or copilot sidestick.

Embraer S.A. has developed comprehensive flight envelope protection features integral to the electronic flight control system design. These flight envelope protection features include limitations on angle-of-attack, normal load factor, bank angle, pitch angle, and speed. To accomplish this flight-envelope-limiting, a significant change (or multiple changes) occurs in the control laws of the electronic flight control system as the limit is approached or exceeded. When failure states occur in the electronic flight control system, flight envelope protection features can likewise either be modified, or in some cases, eliminated. The current regulations were not written with these comprehensive flight-envelope-limiting systems in mind.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Embraer S.A. must show that the Model EMB–550 airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–127 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model EMB–550 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to

include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model EMB–550 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36 and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Model EMB–550 airplane will incorporate the following novel or unusual design features: New control architecture and a full digital flight control system which provides comprehensive flight envelope protections.

Discussion

The applicable airworthiness regulation in this instance is 14 CFR 25.143. The purpose of § 25.143 is to verify that any operational maneuvers conducted within the operational envelope can be accomplished smoothly with average piloting skill and without exceeding any structural limits. The pilot should be able to predict the airplane response to any control input. During the course of the flight test program, the pilot determines compliance with § 25.143 through primarily qualitative methods. During flight test, the pilot should evaluate all of the following:

- The interface between each protection function,
- Transitions from one mode to another,
- The aircraft response to intentional dynamic maneuvering, whenever applicable, through dedicated maneuvers,
- General controllability assessment,
- High speed characteristics, and
- High angle-of-attack.

Section § 25.143, however, does not adequately ensure that the novel or unusual features of the Model EMB–550 airplane will have a level of safety equivalent to that of existing standards. This special condition is therefore required to accommodate the the flight-envelope- limiting systems in the Model EMB–550 airplane. The additional safety standards in this special condition will ensure a level of safety equivalent to that of existing standards.

Applicability

As discussed above, these special conditions are applicable to the Model EMB–550 airplane. Should Embraer S.A. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Embraer S.A. Model EMB–550 airplanes.

1. General Limiting Requirements:

a. Onset characteristics of each envelope protection feature must be smooth, appropriate to the phase of flight and type of maneuver, and not in conflict with the ability of the pilot to satisfactorily change airplane flight path, speed, or attitude as needed.

b. Limit values of protected flight parameters (and if applicable, associated warning thresholds) must be compatible with the following:

i. Airplane structural limits,

ii. Required safe and controllable maneuvering of the airplane, and

iii. Margins to critical conditions.

Unsafe flight characteristics/conditions must not result if dynamic maneuvering, airframe and system tolerances (both manufacturing and in-service), and non-steady atmospheric conditions, in any appropriate combination and phase of flight, can produce a limited flight parameter beyond the nominal design limit value.

c. The airplane must be responsive to intentional dynamic maneuvering to within a suitable range of the parameter limit. Dynamic characteristics such as damping and overshoot must also be appropriate for the flight maneuver and limit parameter in question.

d. When simultaneous envelope limiting is engaged, adverse coupling or adverse priority must not result.

2. Failure States: Electronic flight control system failures (including sensor) must not result in a condition where a parameter is limited to such a reduced value that safe and controllable maneuvering is no longer available. The crew must be alerted by suitable means if any change in envelope limiting or maneuverability is produced by single or multiple failures of the electronic flight control system not shown to be extremely improbable.

Issued in Renton, Washington, on December 19, 2012.

K.C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–01379 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0609; Airspace Docket No. 12–AEA–10]

Proposed Amendment of Class D and Class E Airspace; Caldwell, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D and Class E Airspace at Caldwell, NJ, as the Paterson Non-Directional Radio Beacon (NDB) has been decommissioned and new Standard Instrument Approach Procedures have been developed at Essex County Airport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 11, 2013.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2012–0609; Airspace Docket No. 12–AEA–10, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636,

Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2012–0609; Airspace Docket No. 12–AEA–10) and be submitted in triplicate to the Docket Management System (see ''**ADDRESSES**'' section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–0609; Airspace Docket No. 12–AEA–10.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D airspace and Class E airspace designated as an extension to Class D surface area, to support new Standard Instrument Approach Procedures developed at Essex County Airport, Caldwell, NJ. Airspace reconfiguration is necessary due to the decommissioning of the Paterson NDB and cancellation of the NDB approach, and for continued safety and management of IFR operations at the airport.

Class D and Class E airspace designations are published in Paragraph 5000 and 6004, respectively, of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class D and Class E airspace at Essex County Airport, Caldwell, NJ.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

Paragraph 5000 Class D airspace.

* * * * *

AEA NJ D Caldwell, NJ [Amended]

Essex County Airport, Caldwell, NJ
(Lat. 40°52′30″ N., long. 74°16′53″ W.)

That airspace extending upward from the surface up to and including 2,700 feet MSL within a 4.1-mile radius of Essex County Airport, excluding the portion that coincides with Morristown, NJ Class D airspace area.. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6004 Class E airspace designated as an extension to a class D surface area.

* * * * *

AEA NJ E4 Caldwell, NJ [Amended]

Essex County Airport, Caldwell, NJ
(Lat. 40°52′30″ N., long. 74°16′53″ W.)

That airspace extending upward from the surface within 2 miles each side of a 030° bearing from the Essex County Airport, extending from the 4.1-mile radius of the airport to 7 miles northeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in College Park, Georgia, on December 12, 2012.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2013–01317 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1247; Airspace Docket No. 12–ANM–27]

Proposed Amendment of Class E Airspace; Omak, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Omak Airport, Omak, WA. Decommissioning of the Nondirectional Radio Beacon (NDB) has made this action necessary for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 11, 2013.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2012–1247; Airspace Docket No. 12–ANM–27, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2012–1247 and Airspace Docket No. 12–ANM–27) and be submitted in triplicate to the Docket Management System (see ''**ADDRESSES**'' section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2012–1247 and Airspace Docket No. 12–ANM–27''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ''**ADDRESSES**'' section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace extending upward from 700 feet above the surface and 1,200 feet above the surface at Omak Airport, Omak, WA. The Omak NDB navigation aid is being decommissioned and, therefore, removed from the legal description. The size and shape of the airspace will remain the same by using the Airport Reference Point in describing the airspace. This action would enhance the safety and management of aircraft operations at Omak Airport, Omak, WA.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use

of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace at Omak Airport, Omak, WA.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM WAE5 Omak, WA [Amended]

Omak Airport, WA
(Lat. 48°27′52″ N., long. 119°31′05″ W.)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Omak Airport, and within 1.8 miles each side of the 177° bearing of the Omak Airport extending from the 4.3-mile radius to 7.5 miles south of the airport; that airspace extending upward from 1,200 feet above the surface within 6.1 miles east and 8.7 miles west of the 177° and 357° bearings of the Omak Airport extending from 6.5 miles north to 17.9 miles south of the airport; that airspace extending upward from 4,500 feet MSL beginning at lat. 48°00′00″ N., long. 118°36′04″ W.; to lat. 47°45′00″ N., long. 118°36′04″ W.; to lat. 47°45′00″ N., long. 120°00′04″ W.; to lat. 48°00′00″ N., long. 120°00′04″ W.; to lat. 48°00′00″ N., long. 119°35′04″ W.; to lat. 48°09′37″ N., long. 119°36′05″ W.; to lat. 48°10′00″ N., long. 119°23′04″ W.; to lat. 48°00′00″ N., long. 119°22′24″ W., thence to the point of origin; that airspace extending upward from 8,500 feet MSL bounded on the north by the U.S./Canadian border, on the east by long. 119°00′04″ W., on the south by lat. 47°59′59″ N., and on the west by a line from lat. 47°59′59″ N., long. 120°30′04″ W.; to lat. 49°00′00″ N., long. 120°00′04″ W.

Issued in Seattle, Washington, on December 6, 2012.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–01357 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0394; Airspace Docket No. 12–AEA–8]

Proposed Amendment of Class E Airspace; Easton, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E Airspace at Easton, PA, as the Allentown VORTAC has been decommissioned and new Standard Instrument Approach Procedures (SIAPs) have been developed at Braden Airpark. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport. This action also would recognize the airport's name change and update the geographic coordinates of the airport.

DATES: Comments must be received on or before March 11, 2013.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2012–0394; Airspace Docket No. 12–AEA–8, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2012–0394; Airspace Docket No. 12–AEA–8) and be submitted in triplicate to the Docket Management System (see ''**ADDRESSES**'' section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–0394; Airspace Docket No. 12–AEA–8.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface to support new Standard Instrument Approach Procedures developed at Braden Airpark, Easton, PA. Airspace reconfiguration is necessary due to the decommissioning of the Allentown VORTAC and cancellation of the VOR/DME approach, and for continued safety and management of IFR operations at the airport. Also, the airport name would be changed from Easton Airport to Braden Airpark, and the geographic coordinates of the airport also would be adjusted to coincide with the FAA's aeronautical database.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Braden Airpark, Easton, PA.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

Paragraph 6005. Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Easton, PA [Amended]

Braden Airpark, Easton, PA
(Lat. 40°44′32″ N., long. 75°14′35″ W.)

That airspace extending upward from 700 feet above the surface within an 8.2-mile radius of the Braden Airpark. This Class E airspace area is effective from sunrise to sunset, daily.

Issued in College Park, Georgia, on December 12, 2012.

Barry A. Knight,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2013–01382 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1195; Airspace Docket No. 12–AWP–7]

Proposed Amendment of Class E Airspace; Reno, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Reno/Tahoe International Airport, Reno, NV. Decommissioning of the Compass Locator at the Instrument Landing System Middle Marker (LMM) and the Middle Marker (MM) has made this action necessary for the safety and management of Instrument Flight Rules (IFR) operations at the airport. This action also would adjust the geographic coordinates of the airport.

DATES: Comments must be received on or before March 11, 2013.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2012–1195; Airspace Docket No. 12–AWP–7, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2012–1195 and Airspace Docket No. 12–AWP–7) and be submitted in triplicate

to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2012–1195 and Airspace Docket No. 12–AWP–7''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace designated as an extension to Class C airspace area for Reno/Tahoe International Airport, Reno, NV. Airspace reconfiguration is necessary due to the decommissioning of the LMM and the MM navigation aids. The Airport Reference Point (ARP) would be used to describe the airspace instead of the LMM and the MM navigational aids. There would be no change in the current configuration of the controlled airspace area. Also, the geographic coordinates of the airport would be updated to coincide with the FAA's aeronautical database. Controlled airspace is necessary for the safety and management of IFR operations at the airport.

Class E airspace designations are published in paragraph 6003, of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace at Reno/Tahoe International Airport, Reno, NV.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 710 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR Part 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

Paragraph 6003 Class E airspace designated as an extension to class C surface areas.

* * * * *

AWP NV E3 Reno, NV [Amended]

Reno/Tahoe International Airport, NV
(Lat. 39°29′57″ N., long. 119°46′05″ W.)

That airspace extending upward from the surface within 1.8 miles each side of the Reno/Tahoe International Airport 360° bearing extending from the 5-mile radius of the airport to 12 miles north of the airport, and within 1.8 miles each side of the Reno/Tahoe International Airport 180° bearing extending from the 5-mile radius of the airport to 10.5 miles south of the airport.

Issued in Seattle, Washington, on December 6, 2012.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–01310 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1254; Airspace Docket No. 12–ANM–28]

Proposed Modification of Class E Airspace; Lakeview, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace at Lakeview, OR. Controlled airspace is necessary to accommodate aircraft using Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures at Lakeview County Airport. The FAA is proposing this action to enhance the safety and management of aircraft operations at Lakeview County Airport. This would also correct the airport name.

DATES: Comments must be received on or before March 11, 2013.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2012–1254; Airspace Docket No. 12–ANM–28, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2012–1254 and Airspace Docket No. 12–ANM–28) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2012–1254 and Airspace Docket No. 12–ANM–28''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Lakeview County Airport, Lakeview, OR. Controlled airspace is necessary to accommodate aircraft using RNAV (GPS) standard instrument approach procedures at Lakeview County Airport. Additional controlled airspace extending upward from 1,200 feet above the surface would be established to the north and to the south of the airport to contain the holding patterns. This action would enhance the safety and management of aircraft operations at the airport. Also, the airport formerly called Lakeview Airport is changed to Lakeview County Airport.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify controlled airspace at Lakeview County Airport, Lakeview, OR.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and

Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM OR E5 Lakeview, OR [Modified]

Lakeview County Airport, OR
(Lat. 42°09′40″ N., long. 120°23′57″ W.)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Lakeview County Airport, and within 1.8 miles each side of the 180° bearing of the airport extending from the 4.3-mile radius to 7 miles south of the airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 42°50′00″ N., long. 120°57′00″ W.; to lat. 42°54′00″ N., long. 120°22′00″ W.; to lat. 41°23′00″ N., long. 119°52′00″ W.; to lat. 41°17′00″ N., long. 120°25′00″ W.; to lat. 41°41′00″ N., long. 120°41′00″ W., thence to the point of beginning; that airspace extending upward from 10,500 feet MSL bounded on the north by lat. 44°00′00″ N., on the east by a line extending from lat. 44°00′00″ N., long. 120°00′04″ W., to the north edge of V–122 at long. 119°00′04″ W., on the south by the north edge of V–122, and on the west by the east edge of V–165.

Issued in Seattle, Washington, on January 9, 2013.

Rex MacLean,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–01365 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2012–1085]

RIN 1625–AA09

Drawbridge Operation Regulation; Christina River, Wilmington, DE

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Third Street Bridge at mile 2.3, the Walnut Street Bridge at mile 2.8, and the Market Street Bridge at mile 3.0, all located on the Christina River in Wilmington, DE. Since the three drawbridges are located near one another and the few vessels that do transit this waterway usually go through all three bridges, it is proposed that all the bridges open on the same eight hour advance notice. This proposal would change the current regulations by allowing the Third Street and Walnut Street drawbridges to be opened in sequence with the same eight hour advance notice currently given to the Market Street drawbridge. This proposed schedule clarifies the sequencing of the three drawbridge openings, and provides for the reasonable needs of navigation.

DATES: Comments and related material must be received by the Coast Guard on or before March 11, 2013.

ADDRESSES: You may submit comments identified by docket number USCG–2012–1085 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries will be accepted between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. To avoid duplication, please use only one of these methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Terrance A. Knowles, Environmental Protection Specialist, Fifth Coast Guard District, at (757) 398–6587, *terrance.a.knowles@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section Symbol
U.S.C. United States Code

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. All comments received will be posted, without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2012–1085), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand delivery, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number (USCG–2012–1085) in the ''SEARCH'' box and click ''SEARCH''. Click on the ''Submit a Comment'' on the line associated with this notice of proposed rulemaking. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they

reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number (USCG–2012–1085) in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this notice of proposed rulemaking. You may also visit either the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. You may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The current Drawbridge Operation Regulation, 33 CFR 117.237(c), for the Christina River, Third Street drawbridge at mile 2.3 and the Walnut Street drawbridge at mile 2.8, in Wilmington, DE requires both of the bridges to open on signal, and that the Market Street drawbridge at mile 3.0, open on signal with eight hours advance notice.

C. Basis and Purpose

The Delaware Department of Transportation (DELDOT) who owns and operates these bascule-type drawbridges has requested a permanent change to the existing bridge regulations, allowing the Third Street and Walnut Street bridges to also open on signal with eight hours advance notice as does the Market Street Bridge. This proposed schedule allows for all three of the drawbridges to be opened in sequence on the same opening request if required. Vessel traffic on this part of the Christina River consists of a few commercial and pleasure craft.

Three vessels cause 97% of the openings at the three bridges: The Kalmar Nyckel sail ship, the River Taxi, and the River Boat Queen. The Market Street bridge has the most restrictive vertical clearance of the three drawbridges (8 feet above mean high water), and was opened a total 578 times in 2011. In 2011, the Walnut Street Bridge was opened 244 times and the Third Street Bridge was opened 250 times. The River Taxi does not require an opening to pass under the Third and Walnut Street Bridges.

D. Discussion of Proposed Rule

Our proposed change to 33 CFR 117.237(c) would allow for a more ordered process of transiting through the three draw spans while providing for the reasonable needs of navigation. The Market Street Drawbridge presently opens with 8 hours advance notice and it is proposed that both the Third Street and Walnut Street bridges open on the same 8 hour notice when needed.

In addition, a text modification is required to remove the last sentence in paragraph 117.237(c) ''The draws of these bridges shall open at all times as soon as possible for passage of a public vessel of the United States''. This sentence is being removed because it is already addressed in paragraph 117.31(b)(1).

E. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

1. Regulatory Planning and Review

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The proposed changes are expected to have minimal impact on mariners due to the low number of vessels requiring openings on the river. In addition, because an 8-hour advance notice is currently required for the Market Street Bridge opening, it is understood that time for passage through all three bridges, under the proposed rule, will be consistent with the current regulation.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule will not have a significant economic impact on a substantial number of small entities because only a few vessels transit through all three of the bridges and it is rare that in such cases any vessel stops between the three bridges. Most commercial traffic will leave and return during the day. The proposed rule would possibly affect small entities such as owners/operators of vessels needing to transit through the three bridges but requiring more than eight feet of vertical clearance (most restrictive bridge). These vessels can minimize delays and plan their transits in accordance with the proposed opening schedule.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This proposed rule is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, and Commandant Instruction M16475.lD which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. This rule is categorically excluded under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.237, revise paragraph (c) to read as follows:

§ 117.237 Christina River.

* * * * *

(c) The draws of the Third Street Bridge at mile 2.3, the Walnut Street Bridge at mile 2.8, and the Market Street Bridge at mile 3.0, located in Wilmington, DE shall all open on signal if at least eight hours notice is given. From 7 a.m. to 8 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday except holidays, the draws of these three bridges need not be opened for the passage of vessels. Any vessel which has passed through one or more of these bridges immediately prior to a closed period and which requires passage through the other bridge or bridges in order to continue to its destination shall be passed through the draw or draws of the bridge or bridges without delay.

* * * * *

Dated: January 11, 2013.

Steven H. Ratti,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2013–01355 Filed 1–23–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2009–0919; A–1–FRL–9773–3]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Regional Haze

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental proposed rule.

SUMMARY: On March 26, 2012, the Environmental Protection Agency (EPA) proposed to approve a revision to the Connecticut State Implementation Plan (SIP) that addresses regional haze for the first planning period from 2008 through 2018. The SIP was submitted by the Connecticut Department of Environmental Protection (now known

as Connecticut Department of Energy and Environmental Protection or ''CT DEEP'') on November 18, 2009, with additional submittals on February 24, 2012 and March 12, 2012. In the March 26, 2012 rulemaking, pursuant to CT DEEP's request under parallel processing, EPA proposed approval of Connecticut's proposed regulation establishing an intra-state nitrogen oxides (NO_X) trading program. This rule was designed to serve as a Clean Air Interstate Rule (CAIR) replacement rule and was one component of the State's alternative to Best Available Retrofit Technology (BART) plan. Connecticut is, however, along with the other eastern States, continuing to implement CAIR. On November 23, 2012, CT DEEP submitted a letter withdrawing the State's February 24, 2012 parallel processing request of its CAIR replacement rule. In today's action, EPA is supplementing our March 26, 2012 proposal to include the proposed approval of Connecticut's alternative to BART plan based in part on Connecticut's CAIR rule, as originally submitted by the State on November 18, 2009.

DATES: Written comments must be received on or before February 25, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2009–0919 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email: arnold.anne@epa.gov*.

3. *Fax:* (617) 918–0047.

4. *Mail:* ''Docket Identification Number EPA–R01–OAR–2009–0919,'' Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail Code OEP05–2), Boston, MA 02109—3912.

5. *Hand Delivery or Courier.* Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail Code OEP05–2), Boston, MA 02109—3912. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R01–OAR–2009–0919. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov,* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

In addition, copies of the State submittal are also available for public inspection during normal business hours, by appointment at the Bureau of Air Management, Department of Energy and Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Anne McWilliams, Air Quality Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail Code OEP05–02), Boston, MA 02109–3912, telephone number (617) 918–1697, fax number (617) 918–0697, email *mcwilliams.anne@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

In section 169A(a)(1) of the 1977 Amendments to the Clean Air Act (CAA), Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section of the CAA establishes as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas [1] which impairment results from manmade air pollution.'' Congress added section 169B to the CAA in 1990 to address regional haze. The EPA promulgated a rule to address regional haze on July 1, 1999 (64 FR 35714) (''the Regional Haze Rule''). The requirements of the Regional Haze rule are summarized in our March 26, 2012 proposed approval of the Connecticut Regional Haze SIP. See 77 FR 12367.

On November 18, 2009, the Bureau of Air Management of the CT DEEP

[1] Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value (44 FR 69122, November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions (42 U.S.C. 7472(a)). Although States and Tribes may designate as Class I additional areas which they consider to have visibility as an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to ''mandatory Class I Federal areas.'' Each mandatory Class I Federal area is the responsibility of a ''Federal Land Manager'' (FLM). (42 U.S.C. 7602(i)). When we use the term ''Class I area'' in this action, we mean a ''mandatory Class I Federal area.''

submitted revisions to the Connecticut SIP to address regional haze, with supplemental submittals on February 24, 2012, and March 12, 2012. One component of the November 18, 2009 regional haze submittal was a demonstration that the implementation of Regulations of Connecticut State Agencies (RCSA) Section 22a–174–22, ''Control of Nitrogen Oxides Emissions,'' including subdivision 22a–174–22(e)(3), and RCSA Section 22a–174–22c, ''The Clean Air Interstate Rule (CAIR) Nitrogen Oxides (NO_X) Ozone Season Trading Program,'' provided greater reduction in NO_X emissions than would be achieved by the installation of source-by-source BART NO_X controls.

In the February 24, 2012 supplemental submittal, CT DEEP requested the parallel processing of proposed RCSA Section 22a–174–22d, ''Post-2011 Connecticut Ozone Season NO_X Budget Program'' as a replacement to RCSA Section 22a–174–22c. The proposed RCSA Section 22a–174–22d limited Connecticut's intra-state ozone season NO_X trading budget to 2,691 tons, the same budget as included in the CAIR Ozone Season Trading Program.[2]

As part of the March 26, 2012 rulemaking, EPA proposed to approve proposed RCSA Section 22a–174–22d and proposed to approve Connecticut's alternative to BART program for NO_X, of which this rule was one component.

When parallel processing, EPA proposes to approve a rule before the State's final adoption of the regulation. In its February 24, 2012 supplemental submittal, Connecticut indicated that they planned to have a final adopted regulation prior to our final action on its Regional Haze SIP. Under the parallel processing procedure, after a State submits its final adopted regulation, EPA will review the regulation to determine whether it differs from the proposed regulation. If the final regulation does differ from the proposed regulation, EPA will determine whether these differences are significant. (Ordinarily, changes that are limited to issues such as allocation methodology would not be deemed significant for SIP approval purposes, assuming the methodology does not lead to allocations in excess of the total state budget.) Based on EPA's determination regarding the significance of any changes in the final regulation, EPA would then decide whether it is appropriate to prepare a final rule and describe the changes in the final rulemaking action, re-propose action based on the State's final adopted regulation, or other such action as may be appropriate.

Today's supplemental notice of proposed rulemaking only deals with issues associated with Connecticut's request to parallel process the proposed RSCA Section 22a–174–22d as a replacement of RSCA Section 22a–174–22c. Other aspects of EPA's March 26, 2012 proposal remain unchanged.

II. The Relationship of the CAIR and the Cross-State Air Pollution Rule (CSAPR) to the Connecticut Regional Haze SIP

CAIR required certain states to reduce emissions of sulfur dioxide (SO_2) and NO_X that significantly contribute to downwind nonattainment of the 1997 National Ambient Air Quality Standards (NAAQS) for fine particulate ($PM_{2.5}$) and ozone. See 70 FR 25162 (May 12, 2005). CAIR established emissions budgets for SO_2 and NO_X. On October 13, 2006, EPA's ''Regional Haze Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations; Final Rule'' (hereinafter known as the ''Alternative to BART Rule'') was published in the **Federal Register**. See 71 FR 60612. This rule established that states participating in the CAIR program or other control programs need not require BART for SO_2 and NO_X at BART-eligible electric generating units (EGUs). As a result, many States relied on CAIR as an alternative to BART for SO_2 and NO_X for their subject EGUs. The regional haze SIP submitted by Connecticut on November 18, 2009 relied on the procedure set forth in the Alternative to BART Rule to demonstrate that the CAIR ozone season NO_X budget for Connecticut, in conjunction with Connecticut's previously adopted non-ozone season NO_X limits, provided greater visibility improvement than would the installation of source-specific BART NO_X controls.

CAIR was later found to be inconsistent with the requirements of the CAA and the rule was remanded to EPA. See *North Carolina* v. *EPA,* 550 F.3d 1176 (D.C. Cir. 2008). The court left CAIR in place until replaced by EPA with a rule consistent with its opinion. See *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008).

EPA promulgated the Cross-State Air Pollution Rule (CSAPR), to replace CAIR in 2011. See 76 FR 48208 (August 8, 2011). EPA subsequently determined that the trading programs in CSAPR could also serve as an alternative to source-by-source BART. See 77 FR 33642 (June 7, 2012). Connecticut, which was subject to ozone season NO_X controls under the CAIR program, but not subject to any of the requirements of CSAPR, did not have the option of relying on CSAPR as an alternative to BART.

On December 30, 2011, the D.C. Circuit Court issued an order addressing the status of CSAPR and CAIR in response to motions filed by numerous parties seeking a stay of CSAPR pending judicial review. In that order, the D.C. Circuit stayed CSAPR pending the court's resolutions of the petitions for review of that rule in *EME Homer Generation, L.P.* v. *EPA* (No. 11–1302 and consolidated cases). The court also indicated that EPA is expected to continue to administer CAIR in the interim until the court rules on the petitions for review of CSAPR.

On August 21, 2012, the D.C. Circuit issued a decision to vacate CSAPR. In that decision, it also ordered EPA to continue administering CAIR ''pending the promulgation of a valid replacement.'' *EME Homer Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir., August 21, 2012).[3]

In light of the vacatur and remand of CSAPR and the continuation of CAIR, CT DEEP has not finalized its adoption of the Connecticut CAIR replacement rule, RCSA Section 22a–174–22d. In a letter dated November 23, 2012, CT DEEP withdrew its February 24, 2012 request for parallel processing of this regulation.

III. EPA's Assessment

Due to the unique circumstances surrounding Connecticut's development of its regional haze SIP and for the reasons explained below, EPA is proposing to approve Connecticut's Alternative to BART program based on, in part, the use of CAIR ozone season NO_X reductions. As a result of the decision of the D.C. Circuit in *EME Homer Generation, L.P.* v. *EPA,* CAIR remains in place and enforceable until substituted by a ''valid'' replacement rule. To the extent that Connecticut is relying on ozone season CAIR as one element of the Alternative to BART program, the recent directive from the D.C. Circuit in *EME Homer* ensures that the reductions associated with CAIR will be permanent and enforceable for the foreseeable future. EPA has been ordered by the Court to develop a new rule and the opinion makes clear that, after promulgating that new rule, EPA must provide states an opportunity to draft and submit SIPs to implement that rule. CAIR thus cannot be replaced until

[2] See 77 FR 17367 for a full discussion of the Connecticut's Alternative to BART Program.

[3] The court's judgment is not yet final as the mandate has not issued and on October 5, 2012, EPA filed a petition asking for rehearing *en banc.*

EPA has promulgated a final rule through a notice-and-comment rulemaking process, States have had an opportunity to draft and submit SIPs, EPA has reviewed the SIPs to determine if they can be approved, and EPA has taken action on the SIPs, including promulgating a Federal Implementation Plan (FIP) if appropriate. These steps alone will take many years, even with EPA and the states acting expeditiously.

For these reasons, EPA believes it is appropriate to allow Connecticut to rely on CAIR at this time, and the existing emissions reductions achieved by CAIR, as sufficiently permanent and enforceable for purposes such as visibility improvement for the first Regional Haze planning period and BART. Following promulgation of the replacement rule, EPA will take action to require states to revise their regional haze SIPs to address the BART requirements. At that time, EPA will also determine whether, and to what extent, the replacement rule provides for greater reasonable progress than case by case BART.

IV. EPA's Supplemental Proposed Action

EPA is proposing to approve Connecticut's use of the existing federally enforceable RCSA Section 22a–174–22c, ''The Clean Air Interstate Rule (CAIR) Nitrogen Oxides (NO_X) Ozone Season Trading Program,'' as originally submitted by the State on November 18, 2009, as one component of its alternative to BART program. We are also withdrawing our previous proposed approval of RCSA Section 22a–174–22d as one element of Connecticut's alternative to BART plan. EPA is soliciting public comments on the issues discussed in this notice. EPA is only taking comment on the use of ozone season CAIR as part of Connecticut's Alternative to BART program. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Regional Office listed in the **ADDRESSES** section of this **Federal Register**.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 11, 2013.

Ira W. Leighton,

Acting Regional Administrator, EPA Region 1.

[FR Doc. 2013–01417 Filed 1–23–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 234

[Docket No. FRA–2011–0007, Notice No. 3]

RIN 2130–AC26

National Highway-Rail Crossing Inventory Reporting Requirements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Announcement of public hearing and extension of comment period.

SUMMARY: By notice of proposed rulemaking (NPRM) published on October 18, 2012, FRA proposed a rule that would require railroads to submit information to the U.S. DOT National Highway-Rail Crossing Inventory (Crossing Inventory) about highway-rail and pathway crossings over which they operate. This document announces a public hearing to provide interested parties an opportunity to comment on the NPRM. This document also extends the NPRM comment period to allow interested parties to submit comments in response to issues raised at the public hearing.

DATES: A public hearing will be held on February 19, 2013 in Washington, DC, and will commence at 10 a.m. The comment period in this proceeding is extended to March 29, 2013.

ADDRESSES: (1) *Public Hearing:* The public hearing will be held at the Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005.

(2) *Attendance:* Any person wishing to participate in the public hearing should notify Michelle Silva in FRA's Office of Chief Counsel by telephone or in writing, by mail or email, at least five business days before the date of the hearing. Ms. Silva's contact information is as follows: FRA, Office of Chief Counsel, Mail Stop 10, 1200 New Jersey Avenue SE., Washington, DC 20590; *telephone:* 202–493–6030; *email: michelle.silva@dot.gov.*

For information on facilities or services for persons with disabilities or to request special assistance at the

meeting, please contact by telephone or email as soon as possible, Larry Woolverton at 202–493–6212 or *larry.woolverton@dot.gov.*

FOR FURTHER INFORMATION CONTACT: Ronald Ries, Staff Director, Grade Crossing Safety and Trespass Prevention, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (telephone: 202–493–6299), *ronald.ries@dot.gov;* or Kathryn Shelton, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 13, Washington, DC 20590 (telephone: 202–493–6063), *kathryn.shelton@dot.gov.*

SUPPLEMENTARY INFORMATION: FRA has received written comments from interested parties, including Applied Research Associates, Inc. and Orion's Angels, related to the use of information submitted by railroads to the Crossing Inventory about the highway-rail and pathway crossings over which they operate. While this issue is not specifically addressed in the NPRM, FRA will hold a public hearing to facilitate the exchange of information and concerns regarding FRA's proposed rule.

The public hearing is meant to provide an opportunity for interested parties to articulate the issues and concerns they have with the NPRM and to respond to the specific comments requested therein related to the draft Inventory Form and draft Inventory Guide, so that these issues can be fully addressed in any final rule that is developed. Interested parties are invited to present oral statements and to proffer information and views related to FRA's proposal at the hearing. The hearing will be informal and will be conducted by a representative designated by FRA in accordance with FRA's Rules of Practice (49 CFR 211.25). The hearing will be a non-adversarial proceeding; therefore, there will be no cross examination of persons presenting statements or proffering evidence. An FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements by those wishing to comment have been completed; those persons wishing to make a brief rebuttal will be afforded an opportunity to do so in the same order in which the initial statements were made. Additional procedures, as necessary for the conduct of the hearing, will be announced at the hearing. A transcript of the discussions will be made a part of the public docket in this proceeding.

Public Participation Procedures

Any person wishing to participate in the public hearing should notify FRA by telephone or in writing, by mail or email, at the addresses provided in the Attendance section of this notice at least five business days prior to the date of the hearing. The notification should identify the party the person represents, and the particular subject(s) the person plans to address. The notification should also provide the participant's mailing address, email address (if applicable), and other contact information. FRA reserves the right to limit the duration of presentations, if necessary, to provide all participants the opportunity to speak.

Extension of Comment Period

To accommodate the public hearing and to provide interested parties the opportunity to submit comments in response to views or information provided at the public hearing, FRA is extending the comment period in this proceeding to March 29, 2013.

Follow-Up to December 13, 2012 Technical Symposium

In an effort to facilitate discussion on technical issues associated with the electronic submission of data to the Crossing Inventory, FRA hosted a technical symposium on December 13, 2012. See 77 FR 68722 (Nov. 16, 2012). A transcript of the symposium is available in the public docket. As a result of discussions at that technical symposium, FRA intends to host a series of follow-up technical meetings to further discuss with all interested parties technical issues and concerns associated with electronic submission of data to the Crossing Inventory. The date, time, and location of these technical meetings will be announced in notices posted in the public docket of this rulemaking proceeding. FRA will also notify via email those individuals who participated in the December 13, 2012 technical symposium and provided their email addresses to FRA. Any person wishing to participate in these technical meetings, who has not already expressed an interest and provided an email address to FRA, should notify Ms. Michelle Silva of his or her interest by telephone or in writing (by email) at the address provided in the Attendance section of this notice. Note, however, that these technical meetings are intended to allow for the free flow of technical data and information between all interested parties. Any individual's or organization's involvement in any of these technical meetings will not be construed as official comments to the NPRM. Any person wishing to comment on the NPRM must present his or her comments at the February 19, 2013 public hearing or submit such comments in writing to the docket as instructed in this document. Although the proceedings of these additional technical meetings will not be transcribed, minutes of the meetings will be kept by FRA personnel and placed in the underlying rulemaking docket (docket no. FRA–2011–0007).

Issued in Washington, DC, on January 17, 2013.

Jo Strang,

Associate Administrator for Railroad Safety/Chief Safety Officer.

[FR Doc. 2013–01397 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 253

RIN 0648–BC68

Designation of a Nonessential Experimental Population of Central Valley Spring-Run Chinook Salmon Below Friant Dam in the San Joaquin River, CA

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings; correction.

SUMMARY: On January 16, 2013, we, NMFS, published a proposed rule to designate a nonessential experimental population of Central Valley spring-run Chinook salmon under section 10(j) of the Endangered Species Act in portions of the San Joaquin River and a notice of availability for the draft environmental assessment associated with this action. The proposed rule contained incorrect dates for two of our meetings. We announce new dates for public meetings on this action.

DATES: The first meeting will be in Fresno, CA on January 29, 2013, at the Fresno Metropolitan Flood Control District, Board Meeting Room, 5469 E. Olive Avenue from 5:30 p.m. to 7:30 p.m. (The public should park in the front parking area (rear parking area closes at 5:30 p.m. with no exit after that time) and enter the door located on the west side of the front building). The second meeting will be in Los Banos, CA on January 30, 2013, at the Los Banos Community Center, 645 7th

Street from 2 p.m. to 4 p.m. The third meeting will be in Chico, CA on February 5, 2013, at the Chico Masonic Family Center, 1110 West East Avenue from 5:30 p.m. to 7:30 p.m.

ADDRESSES: You may submit comments on this proposed rule, identified by NOAA–NMFS–2012–0221 by any of the following methods:

- *Electronic submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0221,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Elif Fehm-Sullivan, Fisheries Biologist, Protected Resources Division, Southwest Region, National Marine Fisheries Service, 650 Capitol Mall, Suite 5–100, Sacramento, CA 95814.
- *Fax:* (916) 930–3629.
- *Email: SJRspring.salmon@noaa.gov.*

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted to *http://www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only. You may access a copy of the draft EA by one of the following:

- Visit NMFS' Reintroduction Web site at *http://swr.nmfs.noaa.gov/sjrrestorationprogram/salmonreintroduction.htm.*
- Call (916) 930–3723 and request to have a CD or hard copy mailed to you.
- Obtain a CD or hard copy by visiting NMFS' Central Valley office at 650 Capitol Mall, Suite 5–100, Sacramento, CA 95814.

Please see the draft EA for additional information to comment on that document.

FOR FURTHER INFORMATION CONTACT: Elif Fehm-Sullivan, National Marine Fisheries Service, 650 Capitol Mall, Suite 5–100, Sacramento, CA 95814 (916–930–3723) or Dwayne Meadows, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 (301–427–8403).

SUPPLEMENTARY INFORMATION:

Background

On January 16, 2013 we, NMFS, published a proposed rule (78 FR 3381) to designate a nonessential experimental population of Central Valley spring-run Chinook salmon under section 10(j) of the Endangered Species Act in portions of the San Joaquin River and a notice of availability for the draft environmental assessment associated with this action. The proposed rule contained incorrect dates for two of our meetings. Three public meetings will be held at which the public can make comments on the draft EA and proposed rule.

Public Meetings

The first meeting will be in Fresno, CA on January 29, 2013, at the Fresno Metropolitan Flood Control District, Board Meeting Room, 5469 E. Olive Avenue from 5:30 p.m. to 7:30 p.m. (The public should park in the front parking area (rear parking area closes at 5:30 p.m. with no exit after that time) and enter the door located on the west side of the front building). The second meeting will be in Los Banos, CA on January 30, 2013, at the Los Banos Community Center, 645 7th Street from 2 p.m. to 4 p.m. The third meeting will be in Chico, CA on February 5, 2013, at the Chico Masonic Family Center, 1110 West East Avenue from 5:30 p.m. to 7:30 p.m.

Authority: 16 U.S.C. 1533 *et seq.*

Dated: January 16, 2013.

Helen Golde,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–01343 Filed 1–23–13; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 78, No. 16
Thursday, January 24, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Executive Session Meeting

Meeting: African Development Foundation, Board of Directors Executive Session Meeting

Time: Tuesday, February 5, 2013, 9:00 a.m. to 1:00 p.m.

Place: 1400 Eye Street NW., Suite 1000, Washington, D.C. 20005

Date: Tuesday, February 5, 2013

Status:

1. Open session, Tuesday, October 23, 2012, *9:00 a.m. to 11:45 a.m.*

2. Closed session, Tuesday, October 23, 2012, *12:00 p.m. to 1:00 p.m.*

Shari Berenbach,

President/CEO, USADF.

[FR Doc. 2013–01396 Filed 1–23–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–NOP–12–0057; NOP–12–15]

Notice of Agricultural Management Assistance Organic Certification Cost-Share Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Funds Availability: Inviting Applications From State Departments of Agriculture for the Agricultural Management Assistance Organic Certification Cost-Share Program.

SUMMARY: This notice invites the following eligible States: Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming, to submit an Application for Federal Assistance (Standard Form 424), and to enter into a Cooperative Agreement with the Agricultural Marketing Service (AMS) for the allocation of organic certification cost-share funds. The AMS has allocated $1.425 million for this organic certification cost-share program. Funds are available to 16 designated States to provide cost-share assistance to organic crop and livestock producers certified under the U.S. Department of Agriculture (USDA) Organic Standards (7 CFR 205) that either receive organic certification or incur expenses for continued certification during the period of October 1, 2012 through September 30, 2013. Eligible States interested in obtaining cost-share funds for their organic producers must submit an Application for Federal Assistance (Standard Form 424) via *http://www.grants.gov* and enter into a Cooperative Agreement with AMS for the allocation of funds.

DATES: Completed Applications for Federal Assistance (Standard Form 424) and signed Cooperative Agreements must be received by February 7, 2013.

ADDRESSES: Applications for Federal Assistance (Standard Form 424) must be submitted via *Grants.Gov.* Paper applications will not be accepted. Instructions and additional information are available on the NOP Web site at *http://www.ams.usda.gov/NOPCostSharing.*

Signed cooperative agreements should be sent via express mail to Patricia Atkins, Agricultural Marketing Specialist, National Organic Program, USDA/AMS/NOP, Room 2648-South, Ag Stop 0268, 1400 Independence Avenue SW., Washington, DC 20250–0268.

FOR FURTHER INFORMATION CONTACT: Patricia Atkins, Agricultural Marketing Specialist, NOP, USDA/AMS/NOP, Room 2648-South, Ag Stop 0268, 1400 Independence Avenue SW., Washington, DC 20250–0268; Telephone: (202) 720–3252. Email: *Patricia.Atkins@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This Organic Certification Cost-Share Program is part of the Agricultural Management Assistance (AMA) Program authorized under the Federal Crop Insurance Act (FCIA), as amended, (7 U.S.C. 1524). Under the applicable FCIA provisions, USDA is authorized to provide cost-share assistance to organic producers in the States of Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming. The AMS has allocated $1.425 million for this year's organic certification cost-share program. This program provides financial assistance to organic producers certified under the USDA Organic Regulations (7 CFR 205), which were authorized under the Organic Foods Production Act of 1990, as amended (7 U.S.C. 6501 *et seq.*).

To participate in the program, eligible States, through their State Departments of Agriculture, must complete an Application for Federal Assistance (Standard Form 424) and enter into a written Cooperative Agreement with AMS. State Departments of Agriculture refers to agencies, commissions, or departments of State government responsible for implementing regulation, policy or programs on agriculture within their State. The program will provide cost-share assistance, through participating States, to organic crop and livestock producers receiving certification or incurring expenses for the continuation of certification by a USDA accredited certifying agent during the period of October 1, 2012 through September 30, 2013. USDA has determined that payments will be limited to 75% (seventy-five percent) of an individual producer's certification costs, up to a maximum of $750 (seven-hundred and fifty dollars).

To receive cost-share assistance, organic crop and livestock producers should contact their State agencies. Procedures for applying are outlined in the cost share policies and procedures at *http://1.usa.gov/OrganicCostShare.* The total amount of cost-share payments provided to any eligible producer under all AMA programs cannot exceed $50,000.

How To Submit Applications: To receive fund allocations to provide cost-share assistance, a State Department of Agriculture must complete an Application for Federal Assistance (Standard Form 424), and enter into a written Cooperative Agreement with AMS. Interested States must submit the Application for Federal Assistance (Standard Form 424) electronically via Grants.gov, the Federal grants Web site,

at *http://www.grants.gov.* For information on how to use Grants.Gov, please consult *http://www.grants.gov/GetRegistered.* Applications must be received by February 7, 2013. Cooperative Agreements will be sent by the AMS to participating State Departments of Agriculture via express mail. The Cooperative Agreement must have the original signature of an official who has authority to apply for Federal assistance. The signed cooperative agreement must be sent by express mail or courier service and received by the NOP at the address under the **ADDRESSES** section of this Notice by February 7, 2013.

The AMA Organic Certification Cost-Share Program is listed in the ''Catalog of Federal Domestic Assistance'' under number 10.171. Subject agencies must adhere to Title VI of the Civil Rights Act of 1964, which bars discrimination in all Federally-assisted programs. Additional information on the AMA Organic Certification Cost-Share Program can be found on the NOP's Web site at *http://www.ams.usda.gov/NOPCostSharing.*

Authority: 7 U.S.C. 1524.

Dated: January 18, 2013.

David R. Shipman,

Administrator.

[FR Doc. 2013–01409 Filed 1–23–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

First Phase of the Forest Planning Process for the Bio-Region

AGENCY: U.S.D.A. Forest Service, Pacific Southwest Region, California.

ACTION: Notice of Intent to initiating the first phase of the forest planning process for the Bio-Region.

SUMMARY: Come gather 'round people
Wherever you roam
And admit that the waters
Around you have grown
And accept it that soon
You'll be drenched to the bone
If your time to you is worth savin'
Then you better start swimmin' or you'll sink like a stone
For the times, they are a-changin'.
Bob Dylan, The Times They Are A-changin' © 1963, 1964, 1991, 1992.

The Pacific Southwest Region is initiating the first phase of the forest planning process pursuant to the 2012 Forest Planning Rule which will describe the strategic direction for management of forest resources for the next ten to fifteen years. This notice communicates that the informal phase of the Bio-Regional Assessment has begun.

DATES: The Bio-Regional Assessment Report will be completed in July 2013. The Forest-level Assessment Reports for the three early adopter Forests which will tier from the Bio-Regional Assessment Report and will be completed in December, 2013. The formal revision process will begin in 2014.

ADDRESSES: U.S. Forest Service, Pacific Southwest Region 5, Attn.: Ecosystem Planning, 1323 Club Drive, Vallejo, California, 94592.

FOR FURTHER INFORMATION CONTACT: Ronald L. Pugh, Deputy Director, Ecosystem Planning, 707–562–8951. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The Pacific Southwest Region of the United States, United States Department of Agriculture, along with the Sierra, Inyo, and Sequoia National Forests, are initiating the first phase of the forest planning process pursuant to the 2012 Forest Planning Rule. Forest plans describe the strategic direction for management of forest resources for the next ten to fifteen years, and are adaptive and amendable as conditions change over time. This initial phase includes the assessment of resource condition and trend at the bioregional and forest scales. Although not required by the new Planning Rule, the Region will complete a Bio-Regional Assessment to help provide a landscape scale perspective to the required forest assessments. An assessment is the first step in revising forest plans.

Under the 2012 Planning Rule, the planning process is continuous and includes three stages extending over the life of the Revised Forest Plan. The first stage is the assessment of resources, and occurs in the first year. The second stage is the formal process required by the National Environment Policy Act (NEPA) and includes the preparation of Draft Environmental Impact Statements and Revised Forest Plan for public review and comment, and the preparation of the Final Environmental Impact Statement and Revised Forest Plan. We expect the second stage to take two years. The third stage of the process is monitoring and feedback, which is ongoing over the life of the revised forest plans.

We are committed to collaboration and to strengthening public engagement throughout the process. Collaboration and communication plans are being developed with the help of stakeholders at the regional and forest levels. Each plan is unique to the needs of the people and communities being served. The goal is not complete agreement; we seek common context and understanding.

Regional and forest specialists have begun collecting information to describe existing resource conditions and trends. The Bio-Regional Assessment Report will be completed in July 2013.

Responsible Official

Regional Forester Randy Moore, Pacific Southwest Region, U.S.D.A. Forest Service.

Nature of Decision To Be Made

Region-wide conditions and trends will be addressed in the Bio-Regional Assessment to help provide a landscape scale context for the Sierra Nevada, southern Cascades, and the Modoc Plateau. The bio-regional Assessment Report will be completed in July 2013.

Scoping Process

At this phase of forest plan revision there is no formal Scoping Process; however, we are committed to collaboration and to strengthening public engagement throughout the process. A collaboration and communication plan that was developed with the help of stakeholders is in place.

For information on current events, meetings, workshops, important dates and how to participate in forest plan revision, visit the Pacific Southwest Region 5 Web site: *http://www.fs.usda.gov/r5/;* and Our Forest Place: *http://ourforestplace.ning.com/.*

Dated: January 9, 2013.

Randy Moore,

Regional Forester.

[FR Doc. 2013–01254 Filed 1–23–13; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Ashley Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ashley Resource Advisory Committee will meet in Vernal, Utah. The committee is meeting

as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is conduct introductions, approve meeting minutes, review available completed and approved project status, set the next meeting date, time and location and receive public comment on the meeting subjects and proceedings.

DATES: The meetings will be held February 28, 2013, from 6 p.m. to 9 p.m.

ADDRESSES: The meeting will be held in the Fire Center conference room at the Ashley National Forest Supervisor's Office, 355 North Vernal Avenue in Vernal, Utah. Written comments should be sent to Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078. Comments may also be sent via email to *ljhaynes@fs.fed.us,* or via facsimile to 435–781–5142.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Ashley National Forest, 355 North Vernal Avenue, Vernal, UT.

FOR FURTHER INFORMATION CONTACT: Louis Haynes, RAC Coordinator, Ashley National Forest, (435) 781–5105; email: *ljhaynes@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Welcome and roll call; (2) Approval of meeting minutes; (3) Review of completed and approved projects; (4) review of next meeting purpose, location, and date; (5) Receive public comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by February 18, 2013 will have the opportunity to address the committee at these meetings.

Dated: January 14, 2013.

John R. Erickson,

Forest Supervisor.

[FR Doc. 2013–01341 Filed 1–23–13; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 130114042–3042–01]

XRIN 0691–XC009

BE–185: Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons (BE–185). This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108, as amended) and by Section 5408 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4908(b)).

SUPPLEMENTARY INFORMATION: This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of the U.S. person's fiscal quarter, except for the final quarter of the U.S. person's fiscal year when reports must be filed within 90 days. The BE–185 survey forms and instructions are available on the BEA Web site at *www.bea.gov/surveys/iussurv.htm.*

Definitions

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

Who Must Report: Reports are required from each U.S. person who: (a) Had sales of covered financial services to foreign persons that exceeded $20 million for the previous fiscal year or are expected to exceed that amount during the current fiscal year, or (b) had purchases of covered financial services from foreign persons that exceeded $15 million for the previous fiscal year or are expected to exceed that amount during the current fiscal year. Because the thresholds are applied separately to sales and purchases, the reporting requirements may apply only to sales, only to purchases, or to both sales and purchases. Entities required to report will be contacted individually by the Bureau of Economic Analysis (BEA). Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey is intended to collect information on transactions in the covered financial services between U.S. financial services providers and foreign persons.

How To Report: Reports can be filed via BEA's electronic reporting system at *www.bea.gov/efile.* Additionally, copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be obtained from the BEA Web site given above in the Summary. Inquiries can be made to BEA at (202) 606–5588.

When To Report: Reports are due to BEA 45 days after the end of the fiscal quarter, except for the final quarter of the reporter's fiscal year when reports must be filed within 90 days.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0065. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual public reporting burden for this collection of information is 10 hours per response. Send comments for this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0012, Washington DC 20503.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 2013–01354 Filed 1–23–13; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 130111032–3032–01]

XRIN 0691–XC003

BE–9: Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States (BE–9). This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108, as amended). This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of each calendar quarter. The BE–9 survey forms and instructions are available on the BEA Web site at *www.bea.gov/surveys/iussurv.htm.*

Definitions

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States. United States, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(c) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

Who Must Report: Reports are required from U.S. offices, agents, or other representatives of foreign airline operators that transport passengers or freight and express to or from the United States and whose total covered revenues or total covered expenses: (a) were $5,000,000 or more during the previous year or are (b) expected to be $5,000,000 or more during the current year. Because the thresholds are applied separately to sales and purchases, the reporting requirements may apply only to sales, only to purchases, or to both sales and purchases. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey is intended to collect information on foreign airline operators' revenues and expenses in the United States.

How To Report: Reports can be filed via BEA's electronic reporting system at *www.bea.gov/efile.* Additionally, copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be obtained from the BEA Web site given above in the Summary. Inquiries can be made to BEA at (202) 606–5588.

When To Report: Reports are due to BEA 45 days after the end of each calendar quarter.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0068. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual public reporting burden for this collection of information is 6 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0012, Washington, DC 20503.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 2013–01386 Filed 1–23–13; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 130114044–3044–01]

XRIN 0691–XC007

BE–45: Quarterly Survey of Insurance Transactions by U.S. Insurance Companies With Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons (BE–45). This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108, as amended). This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 60 days after the end of the U.S. person's fiscal quarter, except for the final quarter of the U.S. person's fiscal year when reports must be filed within 90 days. The BE–45 survey forms and instructions are available on the BEA Web site at *www.bea.gov/surveys/iussurv.htm.*

Definitions

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

Who Must Report: Reports are required from U.S. persons whose covered transactions: (a) exceeded $8 million (positive or negative) in the prior fiscal year or (b) are expected to

exceed that amount during the current fiscal year. Entities required to report will be contacted individually by the Bureau of Economic Analysis (BEA). Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey is intended to collect information on cross-border insurance transactions between U.S. insurance companies and foreign persons.

How To Report: Reports can be filed via BEA's electronic reporting system at *www.bea.gov/efile.* Additionally, copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be obtained from the BEA Web site given above in the Summary. Inquiries can be made to BEA at (202) 606–5588.

When To Report: Reports are due to BEA 60 days after the end of the fiscal quarter, except for the final quarter of the reporter's fiscal year when reports must be filed within 90 days.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0066. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual public reporting burden for this collection of information is 8 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0012, Washington, DC 20503.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 2013–01352 Filed 1–23–13; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 130111033–3033–01]

XRIN 0691–XC004

BE–29: Survey of Foreign Ocean Carriers' Expenses in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce is informing the public that it is conducting the mandatory survey titled Survey of Foreign Ocean Carriers' Revenues and Expenses in the United States (BE–29). This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108, as amended). This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 90 days after the end of each calendar year. The BE–29 survey forms and instructions are available on the BEA Web site at *www.bea.gov/surveys/iussurv.htm.*

Definitions

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

(d) *Carriers* means owners or operators of dry cargo, passenger (including cruise and combination) and tanker vessels, including very large crude carriers (VLCCs), calling at U.S. ports.

(e) *Foreign Carriers* means those carriers whose residence is outside the United States, including those who own or operate their own chartered (U.S.-flag or foreign-flag) vessels. They also include foreign subsidiaries of U.S. companies operating their own or chartered vessels as carriers for their own accounts.

Who Must Report: Reports are required from U.S. agents of foreign carriers who: (a) handle 40 or more port calls in the reporting period by foreign ocean vessels, or (b) have total annual covered expenses for all foreign ocean vessels handled by the U.S. agent of $250,000 or more. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: This survey is intended to collect information on foreign ocean carriers' expenses in the United States.

How To Report: Reports can be filed via BEA's electronic reporting system at *www.bea.gov/efile.* Additionally, copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be obtained from the BEA Web site given above in the Summary. Inquiries can be made to BEA at (202) 606–5588.

When To Report: Reports are due to BEA 90 days after the end of each calendar year.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0012. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual public reporting burden for this collection of information is 3 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0012, Washington, DC 20503.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 2013–01346 Filed 1–23–13; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 130114035–3035–01]

XRIN 0691–XC005

BE–30: Survey of Ocean Freight Revenues and Foreign Expenses of United States Carriers

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting a mandatory survey titled Survey of Ocean Freight Revenues and Foreign Expenses of United States Carriers (BE–30). This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–

3108, as amended). This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of each calendar quarter. The BE–30 survey forms and instructions are available on the BEA Web site at *www.bea.gov/surveys/iussurv.htm.*

Definitions

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

Who Must Report: Reports are required from each U.S person whose total covered revenues or total covered expenses: (a) Were $500,000 or more during the previous year or, (b) are expected to be $500,000 or more during the current year. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

What To Report: The survey is intended to collect information on U.S. ocean freight carriers' foreign revenues and expenses.

How To Report: Reports can be filed via BEA's electronic reporting system at *www.bea.gov/efile.* Additionally, copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, can be obtained from the BEA Web site given above in the Summary. Inquiries can be made to BEA at (202) 606–5588.

When To Report: Reports are due to BEA 45 days after the end of each calendar quarter.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0011. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual public reporting burden for this collection of information is 4 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0012, Washington, DC 20503.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

[FR Doc. 2013–01349 Filed 1–23–13; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Procedures for Considering Requests and Comments From the Public for Textile and Apparel Safeguard Actions on Imports From Oman

AGENCY: International Trade Administration (ITA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 25, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Maria D'Andrea, Office of Textiles and Apparel, U.S. Department of Commerce, Tel. (202) 482–1550, *Maria.D'Andrea@trade.gov,* Fax. (202) 482–2331.

SUPPLEMENTARY INFORMATION:

I. Abstract

Title III, Subtitle B, Section 321 through Section 328 of the United States-Oman Free Trade Agreement Implementation Act (the ''Act'') implements the textile and apparel safeguard provisions, provided for in Article 3.1 of the United States-Oman Free Trade Agreement (the ''Agreement''). This safeguard mechanism applies when, as a result of the elimination of a customs duty under the Agreement, an Omani textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof to a U.S. industry producing a like or directly competitive article. In these circumstances, Article 3.1 permits the United States to increase duties on the imported article from Oman to a level that does not exceed the lesser of the prevailing U.S. normal trade relations (NTR)/most-favored-nation (MFN) duty rate for the article or the U.S. NTR/MFN duty rate in effect on the day before the Agreement entered into force.

The Statement of Administrative Action accompanying the Act provides that CITA will issue procedures for requesting such safeguard measures, for making its determinations under section 322(a) of the Act, and for providing relief under section 322(b) of the Act. In Proclamation No. 8332 (73 FR 80,289), the President delegated to CITA his authority under Subtitle B of Title III of the Act with respect to textile and apparel safeguard measures.

CITA must collect information in order to determine whether a domestic textile or apparel industry is being adversely impacted by imports of these products from Oman, thereby allowing CITA to take corrective action to protect the viability of the domestic textile industry, subject to section 322(b) of the Act.

Pursuant to Section 321(a) of the Act and Section 7 of Presidential Proclamation, an interested party in the U.S. domestic textile and apparel industry may file a request for a textile and apparel safeguard action with CITA. Consistent with longstanding CITA practice in considering textile safeguard actions, CITA will consider an interested party to be an entity (which may be a trade association, firm, certified or recognized union, or group of workers) that is representative of either: (A) a domestic producer or producers of an article that is like or directly competitive with the subject Omani textile or apparel article; or (B) a domestic producer or producers of a component used in the production of an article that is like or directly competitive with the subject Omani textile or apparel article.

In order for a request to be considered, the requestor must provide

the following information in support of a claim that a textile or apparel article from Oman is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof, to a U.S. industry producing an article that is like, or directly competitive with, the imported article: (1) Name and description of the imported article concerned; (2) import data demonstrating that imports of an Omani origin textile or apparel article that are like or directly competitive with the articles produced by the domestic industry concerned are increasing in absolute terms or relative to the domestic market for that article; (3) U.S. domestic production of the like or directly competitive articles of U.S. origin indicating the nature and extent of the serious damage or actual threat thereof, along with an affirmation that to the best of the requester's knowledge, the data represent substantially all of the domestic production of the like or directly competitive article(s) of U.S. origin; (4) imports from Oman as a percentage of the domestic market of the like or directly competitive article; and (5) all data available to the requester showing changes in productivity, utilization of capacity, inventories, exports, wages, employment, domestic prices, profits, and investment, and any other information, relating to the existence of serious damage or actual threat thereof caused by imports from Oman to the industry producing the like or directly competitive article that is the subject of the request. To the extent that such information is not available, the requester should provide best estimates and the basis therefore.

If CITA determines that the request provides the information necessary for it to be considered, CITA will publish a notice in the **Federal Register** with a summary of the request and seeking public comments regarding the request. The comment period shall be 30 calendar days. Any interested party may submit information to rebut, clarify, or correct public comments submitted by any interested party.

CITA will make a determination on any request it considers within 60 calendar days of the close of the comment period. If CITA is unable to make a determination within 60 calendar days, it will publish a notice in the **Federal Register**, including the date it will make a determination.

If a determination under section 322(b) of the Act is affirmative, CITA may provide tariff relief to a U.S. industry to the extent necessary to remedy or prevent serious damage or actual threat thereof and to facilitate adjustment by the domestic industry to import competition. The import tariff relief is effective beginning on the date that CITA's affirmative determination is published in the **Federal Register**.

Entities submitting requests, responses or rebuttals to CITA may submit both a public and confidential version of their submissions. If the request is accepted, the public version will be posted on the dedicated Oman Free Trade Agreement textile safeguards section of the Office of Textile and Apparel (OTEXA) Web site. The confidential version of the request, responses or rebuttals will not be shared with the public as it may contain business confidential information. Entities submitting responses or rebuttals may use the public version of the request as a basis for responses.

II. Method of Collection

When an interested party files a request for a textile and apparel safeguard action with CITA, ten copies of any such request must be provided in a paper format. If business confidential information is provided, two copies of a non-confidential version must also be provided. To the extent business confidential information is provided, a non-confidential version must also be provided.

III. Data

OMB Control Number: 0625–0266.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 6 (1 for Request; 5 for Comments).

Estimated Time Per Response: 4 hours for a Request; and 4 hours for each Comment.

Estimated Total Annual Burden Hours: 24.

Estimated Total Annual Cost to Public: $960.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 17, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–01377 Filed 1–23–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–910]

Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2011–2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') is rescinding the administrative review of the antidumping duty order on circular welded carbon quality steel pipe from the People's Republic of China (''PRC'') for the period July 1, 2011, through June 30, 2012.

DATES: *Effective Date:* January 24, 2013.

FOR FURTHER INFORMATION CONTACT: Thomas Martin or Robert Bolling, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3936 or (202) 482–3434, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 2012, based on timely requests for review by Wheatland Tube Company (''Wheatland'') and LDR Industries, Inc. (''LDR''), the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on circular welded carbon quality steel pipe from the PRC covering the period July 1, 2011, through June 30, 2012.[1]

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 77 FR 52688, 52690 (August 30, 2012).

The review covers 27 companies: Adler Steel Ltd., Al Jazeera Steel Products Co. SAOG, Baoshan Iron & Steel Co., Ltd., Benxi Northern Steel Pipes, Co. Ltd., CNOOC Kingland Pipeline Co., Ltd., ETCO (China) International Trading Co., Ltd., Guangzhou Juyi Steel Pipes Co., Ltd., Hefei Zijin Steel Tube Manufacturing Co., Ltd., Huludao City Steel Pipe Industrial, Jiangsu Changbao Steel Tube Co., Ltd., Jiangsu Yulong Steel Pipe Co., Ltd., Liaoning Northern Steel Pipe Co., Ltd., MCC Liaoning Dragon Pipe Industries, Shanghai Zhongyou TIPO Steel Pipe Co., Ltd., SPAT Steel International, SteelFORCE Far East Ltd., Tianjin Baolai International Trade Co., Ltd., Tianjin Huilitong Steel Tube Co., Ltd., Tianjin Longshenghua Import & Export, Tianjin Shuangjie Steel Pipe Co., Ltd., Tianjin Uniglory International Trade Co., Ltd., Weifang East Steel Pipe Co., Ltd., WISCO & CRM Wuhan Material & Trade., Wuxi Fastube Industry Co., Ltd., Xuzhou Global Pipe & Fitting Manufacturing Co., Ltd., Zhejiang Kingland Pipeline Industry Co., Ltd., and Zhongjian Jinpei Steel Pipe Co. Ltd.

On September 7, 2012, LDR withdrew its request for an administrative review of Xuzhou Global Pipe & Fitting Manufacturing Co., Ltd. On November 28, 2012, Wheatland withdrew its request for an administrative review of the remaining 26 companies.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, LDR and Wheatland withdrew their requests within the 90-day deadline and no other parties requested an administrative review of the antidumping duty order. Therefore, we are rescinding the administrative review of circular welded carbon quality steel pipe from the PRC for the period July 1, 2011, through June 30, 2012.

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries. Because the Department is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 17, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–01413 Filed 1–23–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0014]

Proposed Collection; Comment Request

AGENCY: National Geospatial-Intelligence Agency (NGA), DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Online GEOINT Services (OGS) directorate of NGA announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by March 25, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Chief of Account Management, Online GEOINT Services—Customer Account Management (OGSU), National Geospatial-Intelligence Agency, ATTN: Linda White, National Geospatial-Intelligence Agency, 3838 Vogel Road, Arnold, MO 63010–6205 or call OGSU at 636–321–5351.

Title; Associated Form; and OMB Number: OGSU Customer Segmentation Study, OMB Control Number: 0704–TBD.

Needs and Uses: The information collection requirement is necessary to develop customer service models regarding consumers of geospatial information to assist with the development of products and services that best meet mission requirements for those customers.

Affected Public: Contracting personnel working for DoD or Federal Civilian agencies, employees working for other levels of government to include State, Municipal, County or

Tribal, who may at times support a federal agency (such as a first responder supporting FEMA during a disaster relief effort), personnel working for any organization serving the ASG: *The Allied System for Geospatial Intelligence,* a federation of countries (allies) of the United States interested in geospatial concerns.

Annual Burden Hours: 1,350.

Number of Respondents: 2,700.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: Semi-annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are geospatial professionals who participate in the tasking, collection, analysis, dissemination, or various other support roles. Many of these roles involve life and death decision-support, and NGA seeks ways to deliver geospatial information more rapidly and more efficiently. By understanding requirements, NGA can develop products and services and delivery methods that provide the necessary decision-support.

Dated: January 18, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–01411 Filed 1–23–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2012–ICCD–0057]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Assessment of Education Progress (NAEP) 2014–2016 System Clearance

AGENCY: Department of Education (ED), IES, NCES.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 25, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2012–ICCD–0057 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: Electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Assessment of Education Progress (NAEP) 2014–2016 System Clearance.

OMB Control Number: 1850–0790.

Type of Review: Revision of an existing collection of information.

Respondents/Affected Public: States, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 1,609,126.

Total Estimated Number of Annual Burden Hours: 758,329.

Abstract: NCES is requesting a 3 year generic system clearance for the National Assessment of Education Progress (NAEP) to be administered in the 2014–2016 timeframe (OMB #1850–0790). The primary reason for the system clearance request is that it enables NAEP to meet its large and complex assessment reporting schedules and deliverables through a more efficient clearance process. NAEP is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, civics, geography, economics, technology and engineering literacy (TEL), and the arts. The National Assessment of Educational Progress Authorization Act (Pub. L. 107–279 Title III, section 303) requires the assessment to collect data on specified student groups and characteristics, including information organized by race/ethnicity, gender, socio-economic status, disability, and limited English proficiency. It requires fair and accurate presentation of achievement data and permits the collection of background, noncognitive, or descriptive information that is related to academic achievement and aids in fair reporting of results. The intent of the law is to provide representative sample data on student achievement for the nation, the states, and subpopulations of students and to monitor progress over time. The nature of NAEP is that burden alternates from a relatively low burden in national-level administration years to a substantial burden increase in state-level administration years when the sample has to allow for estimates for individual states and some of the large urban districts. Consequently, the estimated respondent burden is substantially lower for the 2014 and 2016 versus the 2015 administration of NAEP. The NAEP results will be reported to the public through the Nations Report Card as well as other online NAEP tools.

Dated: January 18, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–01394 Filed 1–23–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–62–000.
Applicants: FPL Energy Maine Hydro LLC, Brookfield Power US Holding America Co.
Description: Joint Application For Authorization Under Section 203 Of The Federal Power Act And Request For Confidential Treatment of FPL Energy Maine Hydro LLC and Brookfield Power US Holding America Co.
Filed Date: 1/14/13.
Accession Number: 20130114–5233.
Comments Due: 5 p.m. ET 2/4/13.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG13–11–000.
Applicants: Carson Cogeneration Company, LP.
Description: Self-Certification of EWG Status Carson Cogeneration Company, LP.
Filed Date: 1/14/13.
Accession Number: 20130114–5038.
Comments Due: 5 p.m. ET 2/4/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2333–001; ER10–2334–001; ER12–1238–001; ER10–2336–001; ER10–2335–001; ER10–2337–001; ER10–2338–001; ER10–2339–001; ER10–2340–001; ER12–1239–001; ER10–2341–001; ER10–2342–001; ER10–2385–001; ER10–2344–001; ER10–2346–001; ER10–2347–001; ER10–2348–001; ER10–2350–001; ER10–2351–001; ER10–2368–001; ER10–2352–001; ER10–2353–001; ER10–2354–001; ER10–2355–001; ER10–2384–002; ER10–2383–002; ER11–2107–001; ER11–2108–001; ER11–4351–001; ER10–2382–001; ER10–2356–001; ER10–2357–001; ER10–1355–002; ER10–2358–001; ER10–2359–001; ER10–2360–001; ER10–2369–001; ER10–2381–001; ER10–2575–001; ER10–2361–001; ER10–2362–001; ER10–2363–001; ER10–2364–001; ER10–2365–001; ER10–2366–001; ER10–2367–001.
Applicants: Edison Mission Marketing & Trading, Inc., Bendwind, LLC, Big Sky Wind, LLC, DeGreeff DP, LLC, DeGreeffpa, LLC, CL Power Sales Eight, L.L.C., CP Power Sales Nineteen, L.L.C., CP Power Sales Seventeen, L.L.C., CP Power Sales Twenty, L.L.C., Crofton Bluffs Wind, LLC, Edison Mission Solutions, LLC, Elkhorn Ridge Wind, LLC, EME Homer City Generation L.P., Forward WindPower LLC, Groen Wind, LLC, High Lonesome Mesa, LLC, Hillcrest Wind, LLC, Jeffers Wind 20, LLC, Laredo Ridge Wind, LLC, Larswind, LLC, Midway-Sunset Cogeneration Company, Midwest Generation LLC, Mountain Wind Power LLC, Mountain Wind Power II LLC, North Community Turbines LLC, North Wind Turbines LLC, Pinnacle Wind, LLC, San Juan Mesa Wind Project, LLC, Sierra Wind, LLC, Sleeping Bear, LLC, Southern California Edison Company, Storm Lake Power Partners I LLC, Sunrise Power Company, LLC, TAIR Windfarm, LLC, Taloga Wind, LLC, Walnut Creek Energy, LLC, Watson Cogeneration Company, Wildorado Wind, LLC, Coalinga Cogeneration Company, Kern River Cogeneration Company, Mid-Set Cogeneration Company, Salinas River Cogeneration Company, Sargent Canyon Cogeneration Company, Sycamore Cogeneration Company, Lookout WindPower, LLC.
Description: Notice of Non-Material Change in Status of Edison Mission Marketing & Trading, Inc., et al.
Filed Date: 1/14/13.
Accession Number: 20130114–5227.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER10–2719–012; ER10–2718–012; ER10–2578–014; ER10–2633–012; ER10–2570–012; ER10–2717–012; ER10–3140–011.
Applicants: East Coast Power Linden Holding, L.L.C., Cogen Technologies Linden Venture, L.P., Fox Energy Company LLC, Birchwood Power Partners, L.P., Shady Hills Power Company, L.L.C., EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC.
Description: Notice of Non-material Change in Status of East Coast Power Linden Holding, L.L.C., et al.
Filed Date: 1/14/13.
Accession Number: 20130114–5240.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER10–3301–001; ER10–2757–001; ER10–2756–001.
Applicants: GWF Energy LLC, Arlington Valley, LLC, Griffith Energy LLC.
Description: Notice of Change in Status under Market Based Authority, et al. of GWF Energy LLC, et al.
Filed Date: 1/14/13.
Accession Number: 20130114–5223.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER11–4050–001; ER11–4027–002; ER11–4028–002.
Applicants: Cogentrix of Alamosa, LLC, Portsmouth Genco, LLC, James River Genco, LLC.
Description: Notice of Non-Material Change in Status of Cogentrix of Alamosa, LLC, et al.
Filed Date: 1/14/13.
Accession Number: 20130114–5239.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER11–4507–003; ER11–4501–004; ER12–128–001; ER11–4500–003; ER12–979–002; ER11–4498–003; ER11–4499–003.
Applicants: Caney River Wind Project, LLC, Rocky Ridge Wind Project, LLC, Smoky Hills Wind Farm, LLC, Smoky Hills Wind Project II, LLC, EGP Stillwater Solar, LLC, Enel Stillwater, LLC, Canastota Windpower, LLC.
Description: Notice of Change in Status of Smokey Hills Wind Farm, LLC, et al.
Filed Date: 1/14/13.
Accession Number: 20130114–5231.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER12–2448–002.
Applicants: Chisholm View Wind Project, LLC.
Description: Notice of Change in Status of Chisholm View Wind Project, LLC.
Filed Date: 1/14/13.
Accession Number: 20130114–5230.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER13–504–000; ER13–513–000.
Applicants: Electricity NH, LLC.
Description: Electricity NH, LLC resubmits Application for Market-Based Rate Authority.
Filed Date: 1/11/13.
Accession Number: 20130111–5194.
Comments Due: 5 p.m. ET 2/1/13.

Docket Numbers: ER13–737–001.
Applicants: PJM Interconnection, L.L.C.
Description: Errata to Notice of Cancellation 2nd Rev. SA Nos. 3154 and 3155—ER12–2503–000 to be effective 11/27/2012.
Filed Date: 1/14/13.
Accession Number: 20130114–5065.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER13–755–000.
Applicants: Southwest Power Pool, Inc.
Description: 2502 Osage Wind/OG&E Facilities Construction Agreement to be effective 1/14/2013.
Filed Date: 1/14/13.
Accession Number: 20130114–5057.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER13–756–000.
Applicants: Southwest Power Pool, Inc.
Description: 2482 KCPL & Westar Energy Interconnection/Interchange Agreement to be effective 12/1/2012.
Filed Date: 1/14/13.
Accession Number: 20130114–5061.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER13–757–000.
Applicants: Northern States Power Company, a Wisconsin corporation.
Description: 2013_01_14_NSPW CDTT ACIF 2nd POI–131 to be effective 12/5/2012.
Filed Date: 1/14/13.
Accession Number: 20130114–5069.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER13–758–000.
Applicants: Enel Stillwater, LLC.
Description: Enel Stillwater, LLC Notice of Change in Status re MBR Tariff to be effective 12/5/2008.
Filed Date: 1/14/13.
Accession Number: 20130114–5151.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER13–759–000.
Applicants: EGP Stillwater Solar, LLC.
Description: EGP Stillwater Solar, LLC Notice of Change in Status re MBR Tariff to be effective 11/15/2011.
Filed Date: 1/14/13.
Accession Number: 20130114–5154.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER13–760–000.
Applicants: Canastota Windpower, LLC.
Description: Canastota Windpower, LLC Notice of Change in Status re MBR Tariff to be effective 10/20/2001.
Filed Date: 1/14/13.
Accession Number: 20130114–5155.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER13–761–000.
Applicants: Arizona Public Service Company.
Description: Revised and Amended OMR between APS and Electric District 3 to be effective 11/1/2012.
Filed Date: 1/14/13.
Accession Number: 20130114–5171.
Comments Due: 5 p.m. ET 2/4/13.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH13–8–000.
Applicants: GE COMPANIES.
Description: The GE Companies submit Form FERC–65A Revised Exemption Notification.
Filed Date: 1/14/13.
Accession Number: 20130114–5229.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: PH13–9–000.
Applicants: Bloom Energy Corporation.
Description: Bloom Energy Corporation, et al. submits FERC–65–B Waiver Notification.
Filed Date: 1/14/13.
Accession Number: 20130114–5236.
Comments Due: 5 p.m. ET 2/4/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 15, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–01368 Filed 1–23–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–443–000.
Applicants: Millennium Pipeline Company, L.L.C.
Description: Millennium Pipeline Company, L.L.C. submits Penalty Revenue Crediting Report.
Filed Date: 1/11/13.
Accession Number: 20130111–5038.
Comments Due: 5 p.m. ET 1/23/13.

Docket Numbers: RP13–444–000.
Applicants: Cheyenne Plains Gas Pipeline Company LLC.
Description: Request for Waiver of Cheyenne Plains Gas Pipeline Company, L.L.C.
Filed Date: 1/11/13.
Accession Number: 20130111–5184.
Comments Due: 5 p.m. ET 1/23/13.

Docket Numbers: RP13–445–000.
Applicants: Gas Transmission Northwest LLC.
Description: Gas Transmission Northwest LLC submits Coyote Springs Lateral Refund Report.
Filed Date: 1/14/13.
Accession Number: 20130114–5030.
Comments Due: 5 p.m. ET 1/28/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP12–1067–002.
Applicants: Leaf River Energy Center LLC.
Description: Leaf River Energy Center LLC—Revised Compliance Filing to be effective 12/1/2012.
Filed Date: 1/11/13.
Accession Number: 20130111–5100.
Comments Due: 5 p.m. ET 1/23/13.

Docket Numbers: RP12–1068–002.
Applicants: Tres Palacios Gas Storage LLC.
Description: Tres Palacios Gas Storage LLC—Revised Compliance Filing to be effective 12/1/2012.
Filed Date: 1/11/13.
Accession Number: 20130111–5045.
Comments Due: 5 p.m. ET 1/23/13.

Docket Numbers: RP12–1075–002.
Applicants: Arlington Storage Company, LLC.
Description: Arlington Storage Company, LLC—Revised Compliance Filing to be effective 12/1/2012.
Filed Date: 1/11/13.
Accession Number: 20130111–5052.
Comments Due: 5 p.m. ET 1/23/13.

Docket Numbers: RP13–169–002.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: Atmos Energy Corporation Non-Conforming TSA to be effective 10/25/2012.
Filed Date: 1/11/13.
Accession Number: 20130111–5153.
Comments Due: 5 p.m. ET 1/23/13.

Docket Numbers: RP13–389–001.
Applicants: Equitrans, L.P.
Description: Refile Negotiated Rate Service Agreement—Stone Energy Corp to be effective 12/17/2012.
Filed Date: 1/14/13.
Accession Number: 20130114–5027.
Comments Due: 5 p.m. ET 1/28/13.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 14, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–01370 Filed 1–23–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2985–010; ER10–3049–011; ER10–3051–011.
Applicants: Champion Energy Marketing LLC, Champion Energy Services, LLC, Champion Energy, LLC.
Description: Notice of Change in Status for Champion Energy Marketing LLC, et al.
Filed Date: 1/15/13.
Accession Number: 20130115–5079.
Comments Due: 5 p.m. ET 2/5/13.

Docket Numbers: ER13–454–002.
Applicants: NDR Energy Group, LLC.
Description: Amendment Filing Jan 15 2013 to be effective 1/15/2013.
Filed Date: 1/15/13.
Accession Number: 20130115–5058.
Comments Due: 5 p.m. ET 2/5/13.

Docket Numbers: ER13–762–000.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: Niagara Mohawk Power Corporation submits tariff filing per 35.13(a)(2)(iii: SA No. 1949 NiMo and EDGE Corp. reimbursement for moving transmission line to be effective 10/19/2012.
Filed Date: 1/15/13.
Accession Number: 20130115–5067.
Comments Due: 5 p.m. ET 2/5/13.

Docket Numbers: ER13–763–000.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2013–01–15 Filing of Certificates of Concurrence to LGIAs filed in ER13–590 to be effective 12/12/2012.
Filed Date: 1/15/13.
Accession Number: 20130115–5068.
Comments Due: 5 p.m. ET 2/5/13.

Docket Numbers: ER13–764–000.
Applicants: CED White River Solar, LLC.
Description: CED White River Solar, LLC submits tariff filing per 35.12: Application for Market-Based Rate Authorization to be effective 3/17/2013.
Filed Date: 1/15/13.
Accession Number: 20130115–5084.
Comments Due: 5 p.m. ET 2/5/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 15, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–01369 Filed 1–23–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–61–000.
Applicants: Puget Sound Energy, Inc.
Description: Application for Authorization for Disposition of Jurisdictional Facilities and Request For Expedited Action of Puget Sound Energy, Inc.
Filed Date: 1/11/13.
Accession Number: 20130111–5192.
Comments Due: 5 p.m. ET 2/1/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2839–002.
Applicants: Midland Cogeneration Venture Limited Partnership.
Description: Notice of Change in Status, Updated Market Power Analysis, and Motion for Leave to File One Day Out of Time of Midland Cogeneration Venture Limited Partnership.
Filed Date: 1/11/13.
Accession Number: 20130111–5193.
Comments Due: 5 p.m. ET 2/1/13.

Docket Numbers: ER10–2912–003.
Applicants: Alliance for Cooperative Energy Services Marketing LLC.
Description: Notice of Non-Material Change in Status of Alliance for Cooperative Energy Services Power Marketing LLC.
Filed Date: 1/11/13.
Accession Number: 20130111–5185.
Comments Due: 5 p.m. ET 2/1/13.

Docket Numbers: ER13–685–001.
Applicants: Public Service Company of New Mexico.
Description: Supplemental Filing associated with Revised Sheets in PNM's Coordination Tariff to be effective 8/31/2010.
Filed Date: 1/14/13.
Accession Number: 20130114–5000.
Comments Due: 5 p.m. ET 2/1/13.

Docket Numbers: ER13–752–000.
Applicants: Energy Storage Holdings, LLC.
Description: Energy Storage Holdings, LLC to be effective 1/12/2013.
Filed Date: 1/11/13.
Accession Number: 20130111–5163.
Comments Due: 5 p.m. ET 2/1/13.

Docket Numbers: ER13–753–000.
Applicants: Pacific Gas and Electric Company.
Description: Amendment to PWRPA IA Appendix B and Filing of Mocho 3 WDT Service Agreement to be effective 1/15/2013.
Filed Date: 1/14/13.
Accession Number: 20130114–5001.
Comments Due: 5 p.m. ET 2/4/13.

Docket Numbers: ER13–754–000.
Applicants: Pacific Gas and Electric Company.
Description: 2nd Amendment to Extend the PG&E–NCPA Interconnection Agreement to be effective 3/31/2013.
Filed Date: 1/14/13.
Accession Number: 20130114–5002.
Comments Due: 5 p.m. ET 2/4/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 14, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–01367 Filed 1–23–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–764–000]

CED White River Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of CED White River Solar, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is February 4, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 15, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–01371 Filed 1–23–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9773–6]

Proposed Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act of 1986; in Re: Bay State Plating and Polishing Inc., Superfund Site, Located in Lawrence, MA

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response Compensation, and Liability Act, as amended (''CERCLA''), notice is hereby given of a Proposed Settlement Agreement under Section 122(h) of CERCLA, between the United States, on behalf of the U.S. Environmental Protection Agency (''EPA'') and Pacific Mills Acquisition, LLC (the ''Settling Party'') with respect to the Bay State Plating and Polishing Inc. Superfund Site (the ''Site''). EPA completed a removal action at the Site in 2005 incurring a total of approximately $600,500. Pursuant to the Proposed Settlement Agreement, the Settling Party agrees to pay EPA $300,000 in exchange for EPA to release a lien on property owned by the Settling Party. The Settling Party has demonstrated a limited ability to pay and this Proposed Settlement Agreement represents a fair and reasonable compromise of EPA's past costs.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the Proposed Settlement Agreement. EPA will consider all comments received and may modify or withdraw its consent to the Settlement Agreement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at 5 Post Office Square, Boston, MA 02109.

DATES: Comments must be submitted on or before February 25, 2013.

ADDRESSES: A copy of the Proposed Settlement Agreement may be obtained from Ann Gardner, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100, Mail Code OES 4–4, Boston, Massachusetts 02109–3912, by calling (617) 918–1895 or by email at *gardner.ann@epa.gov.* Comments should be addressed to Ann Gardner at the above address and reference Bay State Plating and Polishing Inc. Superfund Site, U.S. EPA Docket No. CERCLA 01–2013–0009.

FOR FURTHER INFORMATION CONTACT: Ann Gardner, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100, Mail Code OES 4–4, Boston, Massachusetts 02109–3912 or via email at *gardner.ann@epa.gov.*

Dated: January 8, 2013.

James T. Owens, III,

Director, Office Site Remediation and Restoration, US EPA, Region I.

[FR Doc. 2013–01414 Filed 1–23–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to

further reduce the information burden for small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 25, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Benish Shah, Office of Managing Director, (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0758

Title: Sections 5.55(c), 5.61(c), 5.75, 5.85(d), 5.85(e), and 5.93(b)—Experimental Radio Service Regulations.

Form Number: N/A

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions, and Individuals or household.

Number of Respondents: 428 respondents; 4,524 responses.

Estimated Time per Response: 0.10 to 0.25 hours.

Frequency of Response: Third party disclosure.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 681 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: There is no need for confidentiality, except for personally identifiable information individuals may submit, which is covered by a system of records, FCC/OET–1, ''Experimental Radio Station License Files.''

Privacy Act Impact Assessment: No.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting an extension (no change in the reporting requirements) of this information collection. The Commission is reporting no change in their burden estimates.

Under 47 CFR part 5 of the FCC's Rules governing the Experimental Radio Service: (1) Pursuant to section 5.55(c), each application for experimental radio authorization shall be specific and complete with regard to—station location, proposed equipment, power, antenna height, and operating frequency; and other information required by the application form and the rules; (2) pursuant to section 5.61(c), an application for experimental special temporary authority shall contain—Name, address, phone number of the applicant, description of why the STA is needed, description of the operation to be conducted and its purpose, time and dates of proposed operation, classes of station and call sign, description of the location, equipment to be used, frequency desired, power desired, and antenna height information; (3) pursuant to Section 5.75, if a blanket license is granted, licensees are required to notify the Commission of the specific details of each individual experiment, including location, number of base and mobile units, power, emission designator, and any other pertinent technical information not specified by the blanket license; (4) pursuant to Section 5.85(d), when applicants are using public safety frequencies to perform experiments of a public safety nature, the license may be conditioned to require coordination between the experimental licensee and appropriate frequency coordinator and/or all public safety licensees in its area of operation; (5) pursuant to Section 5.85(e), the Commission may, at its discretion, condition any experimental license or special temporary authority (STA) on the requirement that before commencing operation, the new licensee coordinate its proposed facility with other licensees that may receive interference as a result of the new licensee's operations; and (6) pursuant to Section 5.93(b), unless otherwise stated in the instrument of authorization, a license granted for the purpose of limited market studies requires the licensee to inform anyone participating in the experiment that the service or device is granted under an experimental authorization and is strictly temporary. In all cases, it is the responsibility of the licensee to coordinate with other users.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–01322 Filed 1–23–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 25, 2013. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email PRA@fcc.gov and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the

information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0874.

Title: FCC Form 2000 A through G, FCC Form 475–B, FCC Form 1088 A through H, and FCC Form 501—Consumer Complaint Forms: General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, and Slamming Complaints.

Form Number: FCC Form 2000 A through G, FCC Form 475–B, FCC Form 1088 A through H, and FCC Form 501.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit entities; Not-for-profit institutions; State, local or Tribal Government.

Number of Respondents and Responses: 314,783 respondents; 314,783 responses.

Estimated Time per Response: 15 to 30 minutes per form on average.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Voluntary.

Total Annual Burden: 150,607 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–1, ''Informal Complaints and Inquiries'', which became effective on January 25, 2010.

Privacy Impact Assessment: The Privacy Impact Assessment (PIA) for Informal Complaints and Inquiries was completed on June 28, 2007. It may be reviewed at *http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.* The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

Needs and Uses: The FCC Form 2000 Consumer Complaint Forms asks the complainants to provide their contact information, including address, telephone number, and email address, and to briefly describe the nature of the complaint, including the communications entities against which the complaint is lodged, the consumer's account number(s), if applicable, the date(s) on which the incident(s) occurred, and the type of resolution the consumer is seeking. The Commission uses the information to resolve the consumer's informal complaint(s). The FCC Form 2000 A through F will remain unchanged. Consumers may now file complaints about loud commercials using the Commission's online complaint form (specifically, the Form 2000G). Consumers may also file their complaint by fax or by letter. The information obtained by consumer complaints will be used by Commission staff to evaluate and ensure that TV stations and MVPDs are in compliance with the rules implementing the Commercial Advertisement Loudness Mitigation (''CALM'') Act.

The FCC Form 475–B Consumer Complaint Form asks complainants to provide their contact information, including address, telephone number, and email address, and to describe their complaint(s) and issue(s) concerning the practices of telecommunications entities, which they believe may have aired obscene, profane, and/or indecent programming. The FCC Form 475–B will remain unchanged. The FCC Form 1088 Consumer Complaint Form asks complainants to provide their contact information, including address, telephone number, and email address, and to describe their complaints and issues regarding ''Do Not Call'' and ''Junk Fax'' as well as other related consumer protection issues such as prerecorded messages, automatic telephone dialing systems, and unsolicited commercial email messages to wireless telecommunications devices. The FCC Form 1088 A through H will remain unchanged. The FCC Form 501 Consumer Complaint Form asks complainants to provide their contact information, including address, telephone number, and email address, and to describe their complaints and issues regarding alleged slamming violations. The FCC Form 501 will remain unchanged.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–01320 Filed 1–23–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 13–28]

Emergency Access Advisory Committee; Announcement of Charter Extension

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the extension of the charter of the Emergency Access Advisory Committee (Committee or EAAC). This extension of the charter will enable the EAAC to complete the important work it began in early 2011 pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).

DATES: The EAAC charter is now effective until June 14, 2013.

FOR FURTHER INFORMATION CONTACT: Suzy Rosen Singleton, Consumer and Governmental Affairs Bureau, (202) 810–1503, or *Suzanne.Singleton@fcc.gov* (email); and/or Zenji Nakazawa, Public Safety and Homeland Security Bureau, (202) 418–7949, *Zenji.Nakazawa@fcc.gov* (email).

SUPPLEMENTARY INFORMATION: By releasing the Public Notice (DA 13–28), the Consumer and Governmental Affairs Bureau and the Public Safety and Homeland Security Bureau of the Federal Communications Commission (FCC or Commission) extended the charter of the EAAC by six months until June 14, 2013. This extension of the charter will enable the EAAC to complete the important work it began in early 2011 pursuant to the CVAA.

The EAAC was chartered on January 14, 2011 to determine the most effective and efficient technologies and methods by which to enable equal access to emergency services by individuals with disabilities as part of our nation's migration to Next Generation 911 (NG9–1–1), and to make recommendations to the Commission on how to achieve those effective and efficient technologies and methods. In spring 2011, the EAAC conducted a nationwide survey of individuals with disabilities and released a report on that survey on July 21, 2011. Following release of the survey report, the EAAC developed recommendations, which it submitted to the Commission on December 7, 2011, as required by the CVAA. However, the EAAC clarified that the December 2011 recommendations did not constitute the full report and requested additional editorial privileges and the right to submit a full report that will contain the technical and policy background for these recommendations at a later date. The EAAC subsequently formed subcommittees to further explain in detail its initial recommendations related to interoperability testing, language assistance, gaps in existing public safety standards, timelines for deployment and pre-NG 911 mobile text-to-911 solutions.

The EAAC Charter provides that the EAAC shall terminate two years from the date of the Charter, thus expiring on January 14, 2013. The Commission has received requests from the co-chairs of

the EAAC, the Consumers Group and Gallaudet Technology Access Program, the National Emergency Number Association, and APCO International to extend or renew the Charter to allow the EAAC to complete its reports and recommendations regarding the accessibility of emergency access by people with disabilities. Accordingly, by releasing the Public Notice on January 11, 2013 (DA–28), the Consumer and Governmental Affairs Bureau and the Public Safety and Homeland Security Bureau grant these requests, and provide a six-month extension of the Charter in order to ensure the EAAC has sufficient time to complete its work, pursuant to the CVAA. The Charter is hereby effective until June 14, 2013.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Federal Communications Commission.

Karen Peltz Strauss,

Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2013–01325 Filed 1–23–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 11, 2013.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Sabina Bosshard, Homer, Minnesota, individually, and as co-trustee of the Sabina Bosshard Irrevocable Trust (''Trust''), and Sabina Bosshard, together as a group acting in concert with Trust, the Lindsey Bosshard Trust, Jeff Gray, LaCrosse, Wisconsin, as co-trustee of Trust and trustee of the Lindsey Bosshard Trust, Ross E. Parke, New York, New York, as independent trustee of Trust, Kurt Bosshard, Kapaa, Hawaii, John Bosshard III, McCarthy, Alaska, William Bosshard and Andrew Bosshard, both of La Crosse, Wisconsin, Carlista Bosshard, Madison, Wisconsin, Joseph Bosshard and Makenzie Bosshard, both of Boulder, Colorado, Nathan Bosshard-Blakely, Berkeley, California, Elizabeth Bosshard-Blakely, South Pasadena, California, Alexandra Bosshard, Sandy, Utah, and John Bosshard, Superior, Colorado,* to retain voting shares of Bosshard Financial Group, Inc., La Crosse, Wisconsin, and thereby to indirectly retain control of Grand Marsh State Bank, Grand Marsh, Wisconsin, and Farmers State Bank—Hillsboro, Hillsboro, Wisconsin.

Board of Governors of the Federal Reserve System, January 18, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–01403 Filed 1–23–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 19, 2013.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Cabool State Bank Employee Stock Ownership Plan,* Cabool, Missouri; to acquire up to an additional 1.58 percent, for a total of 29.39 percent of the voting shares of Cabool Bancshares, Inc., and thereby indirectly acquire voting shares of Cabool State Bank, both in Cabool, Missouri.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Palmer Bancshares, Inc.,* Palmer, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Palmer, Palmer, Kansas.

Board of Governors of the Federal Reserve System, January 18, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–01404 Filed 1–23–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by

the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED DECEMBER 1, 2012 THRU DECEMBER 31, 2012

		12/03/2012
20130134	G	The Walt Disney Company; George W. Lucas; The Walt Disney Company.
20130208	G	Liberty Interactive Corporation; TripAdvisor, Inc.; Liberty Interactive Corporation.
20130244	G	Guard Control Partnership, L.P.; H.I.G. Capital Partners III, L.P.; Guard Control Partnership, L.P.
20130253	G	Walter Investment Management Corp.; Residential Capital, LLC; Walter Investment Management Corp.
20130258	G	U.S. Bancorp; FSV Payment Systems, Inc.; U.S. Bancorp.
20130260	G	Accenture plc; Azaleos Corporation; Accenture plc.
20130261	G	Triumph Group, Inc.; John W. Dahlberg; Triumph Group, Inc.
20130262	G	Deloitte LLP; Monitor Company Group Ltd Partnership; Deloitte LLP.
20130269	G	American Capital, Ltd.; Hudson Ferry Capital, L.P.; American Capital, Ltd.
20130273	G	KIA VIII (Power), L.P.; Huntsman Gay Capital Partners Fund, L.P.; KIA VIII (Power), L.P.
20130274	G	Sun Pharmaceutical Industries Ltd.; DUSA Pharmaceuticals, Inc.; Sun Pharmaceutical Industries Ltd.
20130281	G	Plains All American Pipeline, L.P.; M12, LLC; Plains All American Pipeline, L.P.
20130285	G	Donald L. Kotula; Francois Pinault; Donald L. Kotula.
20130296	G	KKR North America Fund XI, L.P.; Alliant Holdings I, LLC; KKR North America Fund XI, L.P.
20130297	G	ACP Investment Fund, L.P.; NewCo; ACP Investment Fund, L.P.
20130299	G	Remington Outdoor Company, Inc.; Synergy Outdoors, LLC; Remington Outdoor Company, Inc.
20130302	G	Tinicum L.P.; David A. Werner; Tinicum L.P.
20130303	G	Tinicum L.P.; Jordan A. Law; Tinicum L.P.
		12/04/2012
20130233	G	Lee Cheow Ming Doris Damaris; Helix Energy Solutions Group, Inc.; Lee Cheow Ming Doris Damaris.
20130265	G	Al Chem (Cayman) Ltd.; Cytec Industries, Inc.; Al Chem (Cayman) Ltd.
20130271	G	First Reserve Fund XI, L.P.; NFR Holdings LLP; First Reserve Fund XI, L.P.
20130275	G	FR XII Delta MV, L.P.; Post Oak Companies LP; FR XII Delta MV, L.P.
20130277	G	Mason Wells Buyout Fund II, LP; Charter Films, Inc.; Mason Wells Buyout Fund II, LP.
20130286	G	FS Equity Partners VI, LP; Trilantic Capital Partners IV, LP; FS Equity Partners VI, LP.
20130305	G	Acadia Healthcare Company, Inc.; Behavioral Centers of America, LLC; Acadia Healthcare Company, Inc.
		12/05/2012
20130227	G	JPMorgan Chase & Co.; MetLife, Inc.; JPMorgan Chase & Co.
20130257	G	Equifax Inc.; Computer Sciences Corporation; Equifax Inc.
20130279	G	Arsenal Capital Partners III, LP; Marvin S. Wool and Harlene E. Wool; Arsenal Capital Partners III, LP.
20130337	G	Verizon Communications Inc.; Leap Wireless International, Inc.; Verizon Communications Inc.
20130351	G	Leap Wireless International, Inc.; Deutsche Telekom AG; Leap Wireless International, Inc.
		12/06/2012
20130159	G	SoftBank Corp.; Sprint Nextel Corporation; SoftBank Corp.
20130195	G	American Capital, Ltd.; Arlington Capital Partners II, L.P.; American Capital, Ltd.
20130263	G	Bethesda, Inc.; Evendale Medical Center, LLC; Bethesda, Inc.
20130264	G	Catholic Health Initiatives; Evendale Medical Center, LLC; Catholic Health Initiatives.
20130267	G	Precision Castparts Corp.; Littlejohn Fund HI, LP; Precision Castparts Corp.
20130282	G	Arsenal Capital Partners III LP; TM Holding, LLC; Arsenal Capital Partners III LP.
20130323	G	Ulysses Participation S.a.r.l.; Magnablend Holdings, Inc.; Ulysses Participation S.a.r.l.
		12/07/2012
20130304	G	L'Oreal S.A.; Castanea Partners III, L.P.; L'Oreal S.A.
20130319	G	AutoNation, Inc.; Scott K. Ginsburg; AutoNation, Inc.
		12/10/2012
20130190	G	Clean Harbors, Inc.; Safety-Kleen, Inc.; Clean Harbors, Inc.
20130301	G	Rush Enterprises, Inc.; Timothy E. Reilly; Rush Enterprises, Inc.
20130318	G	Court Square Capital Partners II, L.P.; Kenneth and Theresa King, spouses; Court Square Capital Partners II, L.P.
20130338	G	Avera Health; Catholic Health Initiatives; Avera Health.
20130341	G	First Reserve Fund XI, L.P.; Enerven Compression LLC; First Reserve Fund XI, L.P.
20130345	G	Court Square Capital Partners III, L.P.; Lake Capital Partners II LP; Court Square Capital Partners III, L.P.
20130357	G	Smith & Nephew plc; HealthPoint, Ltd.; Smith & Nephew plc.
20130362	G	HKW Capital Partners IV, L.P.; Nabors Industries Ltd.; HKW Capital Partners IV, L.P.
20130373	G	Warburg Pincus Private Equity X, L.P.; Ajit A. Prabhu; Warburg Pincus Private Equity X, L.P.
20130374	G	Warburg Pincus Private Equity X, L.P.; Jagadish S. Melligeri; Warburg Pincus Private Equity X, L.P.
20130406	G	Saputo Inc.; Dean Foods Company; Saputo Inc.
		12/11/2012
20130259	G	Carlisle Companies Incorporated; Belden Inc.; Carlisle Companies Incorporated.

EARLY TERMINATIONS GRANTED DECEMBER 1, 2012 THRU DECEMBER 31, 2012—Continued

20130270	G	Parthenon Investors IV, L.P.; White River Capital, Inc.; Parthenon Investors IV. L.P.
20130276	G	Eaton Vance Corp.; Michael E. Dougherty; Eaton Vance Corp.
20130300	G	James H. Bodenstedt; John Antonaccio; James H. Bodenstedt.
20130312	G	Onex Partners III. L.P.; Compass Investors Inc.; Onex Partners III, L.P.
20130329	G	FIF HE Holdings LLC; J. Paul Reddam; FIF HE Holdings LLC.
20130342	G	Cerberus Institutional Partners, L.P.; Anderson Perforating, Ltd.; Cerberus Institutional Partners, L.P.
20130353	G	KIA VIII (WAC), L.P. Filmore WAC Holdings I, LLC; KIA VIII (WAC), L.P.
20130358	G	Rizvi Opportunistic Equity Fund II, L.P.; SESAC Holdings, Inc.; Rizvi Opportunistic Equity Fund II, L.P.
20130360	G	Pfingsten Partners Fund IV, L.P.; Peter Pollak; Pfingsten Partners Fund IV, L.P.
20130361	G	PartnerRe Ltd.; FTVentures III, L.P.; PartnerRe Ltd.
20130363	G	FMI Associates, L.L.C.; In-Shape Health Clubs, Inc.; FMI Associates, L.L.C.
20130365	G	Gap Inc.; Intermix Holdco, Inc.; Gap Inc.
20130380	G	Audax Private Equity Fund IV, L.P.; William Patrick Heckethorn; Audax Private Equity Fund IV, L.P.
20130381	G	Audax Private Equity Fund IV, L.P.; John Michael Heckethorn; Audax Private Equity Fund IV, L.P.
20130388	G	The Resolute Fund II, L.P.; The American Fast Freight Employee Stock; The Resolute Fund II, L.P.
20130391	G	Aurora Equity Partners IV L.P.; Riverside Capital Appreciation Fund V, L.P.; Aurora Equity Partners IV L.P.
20130398	G	Atlas Pipeline Partners, L.P.; EnCap Energy Capital Fund VII, L.P.; Atlas Pipeline Partners, L.P.
20130403	G	Apollo Investment Fund VII, L.P.; The McGraw-Hill Companies, Inc.; Apollo Investment Fund VII, L.P.
		12/12/2012
20130102	G	C&C Group PLC; Vermont Hard Cider Company, LLC C&C Group PLC.
20130308	G	Harvest Partners VI, L.P.; The Garretson Firm Resolution Group, L.L.C.; Harvest Partners VI, L.P.
20130331	G	IDEX Corporation; Red Valve Company. Inc.; IDEX Corporation.
20130335	G	Green Equity Investors VI, L.P.; CCC Holdings Inc.; Green Equity Investors VI, L.P.
20130336	G	PVF Holdings LLC; Mr. Ronnie Crossland; PVF Holdings LLC.
20130371	G	LMI Aerospace, Inc.; Tech Investments II, LLC; LMI Aerospace, Inc.
20130396	G	Clayton, Dublier & Rice Fund VIII, L.P.; Enhanced Equity Fund, L.P.; Clayton, Dublier & Rice Fund VIII, L.P.
		12/13/2012
20130283	G	Madison Dearborn Capital Partners VI–A, L.P.; Vista Equity Partners Fund III, L.P.; Madison Dearborn Capital Partners VI–A, L.P.
20130314	G	Warburg Pincus Private Equity XI, L.P.; CROSSMARK Holdings, Inc.; Warburg Pincus Private Equity XI, L.P.
20130383	G	Lee Equity Partners Fund, L.P.; Jack Wachob; Lee Equity Partners Fund, L.P.
20130399	G	Starr International Company, Inc.; GRD Holding LP; Starr International Company, Inc.
		12/14/2012
20130125	G	Mohawk Industries, Inc.; Pfleiderer Aktiengesellschaft: Mohawk Industries, Inc.
20130320	G	Merit Medical Systems, Inc.; General Electric Company; Merit Medical Systems Inc.
20130377	G	H.I.G. Capital Partners IV, L.P.; Ricky Baker; H.I.G. Capital Partners IV, L.P.
20130379	G	Bilfinger SE; Weatherford International Ltd.; Bilfinger SE.
20130392	G	Thoma Bravo Fund X, L.P.; SRS Software, Inc.; Thoma Bravo Fund X, L.P.
20130393	G	Fidelity National Financial, Inc.; Internet Healthcare Group LLC; Fidelity National Financial, Inc.
20130394	G	Tenet Healthcare Corporation; Lakewood IPA, Inc.; Tenet Healthcare Corporation.
20130401	G	Apax VIII–A L.P.; Nike, Inc.; Apax VIII–A L.P.
20130404	G	Wright Medical Group, Inc.; BioMimetic Therapeutics, Inc.; Wright Medical Group, Inc.
20130405	G	Algonquin Power and Utility Corp.; Atmos Energy Corporation; Algonquin Power and Utility Corp.
20130416	G	KRG Capital Fund IV, L.P.; GTCR Fund IX/A, L.P.; KRG Capital Fund IV, L.P.
20130418	G	Crestview Partners II, L.P.; American Securities Partners IV, L.P.; Crestview Partners II, L.P.
20130420	G	Pershing Square Holdings, Ltd.; Canadian Pacific Railway Limited; Pershing Square Holdings, Ltd.
		12/17/2012
20130223	G	Total System Services, Inc.; ProPay, Inc.; Total System Services, Inc.
20130272	G	Phillip Ean Cohen; Mr. James Carnes; Phillip Ean Cohen.
20130311	G	Acadia Healthcare Company, Inc.; 2C4K, L.P.; Acadia Healthcare Company, Inc.
20130321	G	Welsh, Carson, Anderson & Stowe XI, L.P.; iMed Group, LC; Welsh, Carson, Anderson & Stowe XI, L.P.
20130370	G	ZM Capital, L.P.; ABRY Partners V, L.P.; ZM Capital, L.P.
20130385	G	Christopher E. MacAllister; Daniel J. Babcock; Christopher E. MacAllister.
20130427	G	Golden Gate Capital Opportunity Fund, L.P.; Snow Phipps Group, L.P.; Golden Gate Capital Opportunity Fund, L.P.
		12/18/2012
20130255	G	Toshiba Corporation; Toshiba Corporation; Toshiba Corporation.
20130421	G	Pershing Square Holdings, Ltd.; Beam Inc.; Pershing Square Holdings, Ltd.
20130422	G	Pershing Square Holdings, Ltd.; J.C. Penney Company, Inc.; Pershing Square Holdings, Ltd.
20130423	G	Pershing Square Holdings, Ltd.; The Procter & Gamble Company; Pershing Square Holdings, Ltd.
20130429	G	Lagardere SCA; Excel Sports Management, LLC; Lagardere SCA.
		12/19/2012
20130236	G	Cisco Systems, Inc.; Meraki, Inc.; Cisco Systems, Inc.

EARLY TERMINATIONS GRANTED DECEMBER 1, 2012 THRU DECEMBER 31, 2012—Continued

20130407	G	Alfa Laval AB; Clearview ACE Acquisition Company, LLC; Alfa Laval AB.
20130409	G	Citrix Systems, Inc.; Zenprise, Inc.; Citrix Systems, Inc.
12/20/2012		
20130313	G	Mercy Health; Jefferson Health System; Mercy Health.
20130364	G	Warburg Pincus Private Equity XI. L.P.; Morgan Stanley; Warburg Pincus Private Equity XI, L.P.
12/21/2012		
20130165	G	McKesson Corporation; PSS World Medical, Inc.; McKesson Corporation.
20130359	G	Leucadia National Corporation; Jefferies Group, Inc.; Leucadia National Corporation.
20130412	G	Global Eagle Acquisition Corp.; PAR Investment Partners, L.P.; Global Eagle Acquisition Corp.
20130424	G	Gregory B. Maffei; Liberty Media Corporation; Gregory B. Maffei.
20130425	G	Gregory B. Maffei; Liberty Interactive Corporation; Gregory B. Maffei.
20130440	G	GTCR Fund X/A LP; Enhanced Equity Fund, L.P.; GTCR Fund X/A LP.
20130452	G	The Medicines Company; Incline Therapeutics, Inc.; The Medicines Company.
12/26/2012		
20130330	G	John C. Malone; The John Risley 2009 Family Trust; John C. Malone.
20130433	G	Sanofi; Johnson & Johnson; Sanofi.
20130434	G	Young Innovations Holdings LLC; Young Innovations, Inc.; Young Innovations Holdings LLC.
20130437	G	John C. Malone; The Colin MacDonald 2009 Family Trust; John C. Malone.
20130439	G	Chesapeake Energy Corporation; FTS International, Inc.; Chesapeake Energy Corporation.
20130441	G	Barry Diller; Expedia, Inc.; Barry Diller.
20130445	G	Freeport-McMoRan Copper & Gold Inc.; Plains Exploration & Production Company; Freeport-McMoRan Copper & Gold Inc.
20130446	G	Freeport-McMoRan Copper & Gold Inc.; McMoRan Exploration Co.; Freeport-McMoRan Copper & Gold Inc.
12/27/2012		
20130343	G	Elliott International Limited; Compuware Corporation; Elliott International Limited.
12/30/2012		
20130350	G	Fast Retailing Co., Ltd.; JB Investors, L.P.; Fast Retailing Co., Ltd.
12/31/2012		
20130453	G	Dr. Guangiu Lu; A123 Systems, Inc.; Dr. Guangiu Lu.
20130478	G	Bayer AG; Teva Pharmaceutical Industries Ltd.; Bayer AG.

FOR FURTHER INFORMATION CONTACT: Renee Chapman, Contact Representative; or Theresa Kingsberry, Legal Assistant; Federal Trade Commission, Premerger Notification Office, Bureau Of Competition, Room H–303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2013–01183 Filed 1–23–13; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Annual Update of the HHS Poverty Guidelines

AGENCY: Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice provides an update of the Department of Health and Human Services (HHS) poverty guidelines to account for last calendar year's increase in prices as measured by the Consumer Price Index.

DATES: *Effective Date:* January 24, 2013, unless an office administering a program using the guidelines specifies a different effective date for that particular program.

ADDRESSES: Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: For information about how the guidelines are used or how income is defined in a particular program, contact the Federal, state, or local office that is responsible for that program. For information about poverty figures for immigration forms, the Hill-Burton Uncompensated Services Program, and the number of people in poverty, use the specific telephone numbers and addresses given below.

For general questions about the poverty guidelines themselves, contact Kendall Swenson, Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201—telephone: (202) 690–7507—or visit *http://aspe.hhs.gov/poverty/index.cfm.*

For information about the percentage multiple of the poverty guidelines to be used on immigration forms such as USCIS Form I–864, Affidavit of Support, contact U.S. Citizenship and Immigration Services at 1–800–375–5283.

For information about the Hill-Burton Uncompensated Services Program (free or reduced-fee health care services at certain hospitals and other facilities for persons meeting eligibility criteria involving the poverty guidelines), contact the Office of the Director, Division of Health Facilities, Health

Resources and Services Administration, HHS, Room 10–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. To speak to a staff member, please call (301) 443–5656. To receive a Hill-Burton information package, call 1–800–638–0742 (for callers outside Maryland) or 1–800–492–0359 (for callers in Maryland). You also may visit *http://www.hrsa.gov/gethealthcare/affordable/hillburton/*.

For information about the number of people in poverty, visit the Poverty section of the Census Bureau's web site at *http://www.census.gov/hhes/www/poverty/poverty.html* or contact the Census Bureau's Customer Service Center at 1–800–923–8282 (toll-free) or visit *http://ask.census.gov* for further information.

SUPPLEMENTARY INFORMATION:

Background

Section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C. 9902(2)) requires the Secretary of the Department of Health and Human Services to update the poverty guidelines at least annually, adjusting them on the basis of the Consumer Price Index for All Urban Consumers (CPI–U). The poverty guidelines are used as an eligibility criterion by the Community Services Block Grant program and a number of other Federal programs. The *poverty guidelines* issued here are a simplified version of the *poverty thresholds* that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.

As required by law, this update is accomplished by increasing the latest published Census Bureau poverty thresholds by the relevant percentage change in the Consumer Price Index for All Urban Consumers (CPI–U). The guidelines in this 2013 notice reflect the 2.1 percent price increase between calendar years 2011 and 2012. After this inflation adjustment, the guidelines are rounded and adjusted to standardize the differences between family sizes. The same calculation procedure was used this year as in previous years. (Note that these 2013 guidelines are roughly equal to the poverty thresholds for calendar year 2012 which the Census Bureau expects to publish in final form in September 2013.)

The poverty guidelines continue to be derived from the Census Bureau's current official poverty thresholds; they are not derived from the Census Bureau's new Supplemental Poverty Measure (SPM).

The following guideline figures represent annual income.

2013 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

Persons in family/household	Poverty guideline
1	$11,490
2	15,510
3	19,530
4	23,550
5	27,570
6	31,590
7	35,610
8	39,630

For families/households with more than 8 persons, add $4,020 for each additional person.

2013 Poverty Guidelines for Alaska

Persons in family/household	Poverty guideline
1	$14,350
2	19,380
3	24,410
4	29,440
5	34,470
6	39,500
7	44,530
8	49,560

For families/households with more than 8 persons, add $5,030 for each additional person.

2013 Poverty Guidelines for Hawaii

Persons in family/household	Poverty guideline
1	$13,230
2	17,850
3	22,470
4	27,090
5	31,710
6	36,330
7	40,950
8	45,570

For families/households with more than 8 persons, add $4,620 for each additional person.

Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii.) The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office that administers the program is generally responsible for deciding whether to use the contiguous-states-and-DC guidelines for those jurisdictions or to follow some other procedure.

Due to confusing legislative language dating back to 1972, the poverty guidelines sometimes have been mistakenly referred to as the ''OMB'' (Office of Management and Budget) poverty guidelines or poverty line. In fact, OMB has never issued the guidelines; the guidelines are issued each year by the Department of Health and Human Services. The poverty guidelines may be formally referenced as ''the poverty guidelines updated periodically in the **Federal Register** by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).''

Some federal programs use a percentage multiple of the guidelines (for example, 125 percent or 185 percent of the guidelines), as noted in relevant authorizing legislation or program regulations. Non-Federal organizations that use the poverty guidelines under their own authority in non-Federally-funded activities also may choose to use a percentage multiple of the guidelines.

The poverty guidelines do not make a distinction between farm and non-farm families, or between aged and non-aged units. (Only the Census Bureau poverty thresholds have separate figures for aged and non-aged one-person and two-person units.)

Note that this notice does not provide definitions of such terms as ''income'' or ''family,'' because there is considerable variation in defining these terms among the different programs that use the guidelines. These variations are traceable to the different laws and regulations that govern the various programs. This means that questions such as ''Is income counted before or after taxes?'', ''Should a particular type of income be counted?'', and ''Should a particular person be counted as a member of the family/household?'' are actually questions about how a specific program applies the poverty guidelines. All such questions about how a specific program applies the guidelines should be directed to the entity that administers or funds the program, since that entity has the responsibility for defining such terms as ''income'' or ''family,'' to the extent that these terms are not already defined for the program in legislation or regulations.

Dated: January 18, 2013.

Kathleen Sebelius,

Secretary of Health and Human Services.

[FR Doc. 2013–01422 Filed 1–22–13; 11:15 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Special Emphasis Panel Meeting

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Special Emphasis Panel (SEP) meeting on ''Patient Centered Outcomes Research (PCOR) Pathway to Independence Award (K99/R00)''.

DATES: February 12, 2013 (Open on February 12 from 8:00 a.m. to 9:00 a.m. and closed for the remainder of the meeting).

ADDRESSES: Hyatt Regency Hotel Bethesda, One Metro Center, Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: Anyone wishing to obtain a roster of members, agenda or minutes of the non-confidential portions of this meeting should contact: Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 540 Gaither Road, Room 2038, Rockville, Maryland 20850, Telephone: (301) 427–1554.

Agenda items for this meeting are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Substantial segments of the SEP meeting referenced above will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2, section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). Grant applications for ''Patient Centered Outcomes Research (PCOR) Pathway to Independence Award (K99/R00)'' are to be reviewed and discussed at this meeting. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: January 17, 2013.

Carolyn M. Clancy,

Director.

[FR Doc. 2013–01338 Filed 1–23–13; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Subcommittee Meetings

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of Five AHRQ Subcommittee Meetings.

SUMMARY: The subcommittees listed below are part of AHRQ's Health Services Research Initial Review Group Committee. Grant applications are to be reviewed and discussed at these meetings. These meetings will be closed to the public in accordance with 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6).

DATES: See below for dates of meetings:

1. Health System and Value Research (HSVR)

Date: February 13, 2013 (Open from 8:30 a.m. to 8:45 a.m. on February 13 and closed for remainder of the meeting)

2. Healthcare Safety and Quality Improvement Research (HSQR)

Date: February 13–14, 2013 (Open from 8:30 a.m. to 8:45 a.m. on February 13 and closed for remainder of the meeting)

3. Health Care Research and Training (HCRT)

Date: February 21–22, 2013 (Open from 8:30 a.m. to 8:45 a.m. on February 21 and closed for remainder of the meeting)

4. Healthcare Information Technology Research (HITR)

Date: February 21–22, 2013 (Open from 8:30 a.m. to 8:45 a.m. on February 21 and closed for remainder of the meeting)

5. Healthcare Effectiveness and Outcomes Research (HEOR)

Date: March 13–14, 2013 (Open from 8:30 a.m. to 8:45 a.m. on March 13 and closed for remainder of the meeting)

ADDRESSES: The five meetings will take place at the following locations:

HSVR and HSQR

Hyatt Regency Hotel Bethesda, One Metro Center, Bethesda, MD 20814

HCRT and HITR

Hilton Washington DC/Rockville Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852

HEOR

Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, Maryland 20878

FOR FURTHER INFORMATION CONTACT: (to obtain a roster of members, agenda or minutes of the non-confidential portions of the meetings.) Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research Education and Priority Populations, AHRQ, 540 Gaither Road, Suite 2000, Rockville, Maryland 20850, Telephone (301) 427–1554

SUPPLEMENTARY INFORMATION: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), AHRQ announces meetings of the scientific peer review groups listed above, which are subcommittees of AHRQ's Health Services Research Initial Review Group Committee. The subcommittee meetings will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2 section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6) The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Agenda items for these meetings are subject to change as priorities dictate.

Dated: January 17, 2013.

Carolyn M. Clancy,

Director.

[FR Doc. 2013–01334 Filed 1–23–13; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Availability of Final Environmental Assessment (FINAL EA) and a Finding of No Significant Impact (FONSI) for Metropolitan Sewer District of Greater Cincinnati Easement on HHS/CDC/NIOSH Taft North Campus, Cincinnati, OH

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of Availability of Final Environmental Assessment (FINAL EA) and a Finding of No Significant Impact (FONSI) for Metropolitan Sewer District of Greater Cincinnati Easement on HHS/CDC/NIOSH Taft North Campus, Cincinnati, Ohio.

SUMMARY: The Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services (HHS) is issuing this notice to advise the public that HHS/CDC has prepared, and signed on January 3, 2013, a Finding of No Significant Impact (FONSI) based on the Final Environmental Assessment (FINAL EA) for Metropolitan Sewer District of Greater Cincinnati Easement on the HHS/CDC/NIOSH Taft North Campus, Cincinnati, Ohio. HHS/CDC prepared the final EA, dated November 2012, in accordance with the National Environmental Policy Act (NEPA).

DATES: The FONSI and/or Final EA are available as of the publication date of this notice.

ADDRESSES: Interested parties may request copies of the FONSI and/or Final EA, from: Mr. Sam Tarr, Centers for Disease Control and Prevention, Buildings and Facilities Office, 1600 Clifton Road NE., Mailstop K96, Atlanta, GA, 30333. Telephone Number (770) 488–8170.

SUPPLEMENTARY INFORMATION: The Final EA evaluated the granting of an easement to the Metropolitan Sewer District of Greater Cincinnati (MSD) for the sole purpose of installing sanitary sewer and storm sewer improvements to the MSD's existing sewer system and the rehabilitation and expansion of an existing storm water detention basin. The proposed easement covers approximately 0.64 acres located adjacent to the intersection of Grandin Road and Grand Beech Lane, Cincinnati, Ohio. The EA also evaluated the construction activities associated with the MSD's sanitary sewer and storm sewer improvements. The purpose and need of the proposed easement is to provide access to MSD to implement/construct MSD sanitary sewer and storm sewer improvements on Federally-owned land in the custody and control of HHS/CDC.

The Final EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969. Based on the results of the EA, HHS/CDC has issued a Finding of No Significant Impact (FONSI) indicating that the proposed action will not have a significant impact on the environment. Minimization and mitigating measures will include: Compliance with applicable regulatory laws, procedures, and permits for all construction activities; development and implementation of Erosion and Sedimentation Control Plan; conduct potential habitat survey for identified wildlife; site review by state historic preservation office before construction to avoid disturbance of any site with the potential for archeological significance; and the application of best management practices (BMP) to minimize short term air quality and noise impact during construction activities.

Dated: January 16, 2013.

J. Ronald Campbell,

Director, Division of Executive Secretariat, Centers for Disease Control and Prevention.

[FR Doc. 2013–01390 Filed 1–23–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0847]

Guidance for Industry and Food and Drug Administration Staff; Humanitarian Use Device (HUD) Designations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for the industry and FDA staff entitled ''Humanitarian Use Device (HUD) Designations.'' Devices are eligible for HUD designation if they are designed to treat or diagnose a disease or condition that affects or is manifested in fewer than 4,000 individuals in the United States per year. Devices that receive HUD designations may be eligible for marketing approval under the Humanitarian Device Exemption (HDE) marketing pathway. This guidance document is intended to assist applicants in the preparation and submission of HUD designation requests and FDA reviewers in evaluating such requests. This guidance finalizes the draft guidance of the same title dated December 2011.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Orphan Products (OOPD), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5271, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling OOPD at 301–796–8660. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Eric Chen, Office of Orphan Products Development (OOPD), Food and Drug Administration, Bldg. 32, Rm. 5222, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–6327, email: *eric.chen@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry and FDA staff entitled ''Humanitarian Use Device (HUD) Designations.'' Devices are eligible for HUD designation if they are designed to treat or diagnose a disease or condition that affects or is manifested in fewer than 4,000 individuals in the United States per year. (See section 520(m) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), 21 U.S.C. 360j(m); 21 CFR 814.102.) This guidance document is intended to assist applicants in the preparation and submission of HUD designation requests to OOPD. This guidance is also intended to assist FDA reviewers in the evaluation and analysis of HUD designation requests.

Topics addressed in this guidance include: (1) Demonstrating in HUD designation requests that the device is designed to treat or diagnose a disease or condition that affects or is manifested in fewer than 4,000 individuals in the United States per year; (2) how this demonstration varies depending on whether the device is intended for therapeutic or diagnostic purposes; (3)

how properties of the device may affect this demonstration; and (4) for the purpose of a HUD designation request, delineating a medically plausible subset (''orphan subset'') of persons with a given disease or condition that affects or is manifested in 4,000 individuals or more in the United States per year.

Devices that receive HUD designation may be eligible for marketing approval under an HDE application. An HDE application is a premarketing application that is similar to a premarket approval (PMA) application in that the applicant must demonstrate a reasonable assurance of safety, but in an HDE application, the applicant seeks an exemption from the PMA requirement of demonstrating a reasonable assurance of effectiveness. A device that has received HUD designation is eligible for HDE approval if, among other criteria, the device will not expose patients to an unreasonable or significant risk of illness or injury and the probable benefit to health from use of the device outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment. (See section 520(m)(2)(C) of the FD&C Act; 21 CFR 814.104(b)(2).) Although a HUD designation from OOPD is a prerequisite to submitting an HDE application to the Center for Devices and Radiological Health or the Center for Biologics Evaluation and Research, it does not by itself guarantee approval of the HDE application.

In the **Federal Register** of December 13, 2011 (76 FR 77542), FDA issued for public comment ''Draft Guidance for Industry and Food and Drug Administration Staff on Humanitarian Use Devices Designations'' dated December 2011. The Agency issued this draft guidance with the aim of assisting sponsors in the preparation and submission of HUD designation requests by, among other things, providing clarity on particular elements of HUD designation requests that had historically caused confusion among sponsors. In particular, the draft guidance focused on the disease or condition that the device treats or diagnoses, population estimates, orphan subsets, device descriptions, scientific rationales, and supporting documentation.

We received several comments on the draft guidance. Most comments appreciated the clarification and explanation provided by the draft guidance. Several comments made recommendations to improve clarity.

FDA is issuing the draft guidance in final form with minor revisions to improve clarity. This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on HUD designation requests. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**) or electronic comments to *http://www.regulations.gov.* It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

Persons with access to the Internet may obtain this guidance document at either: *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm, http://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/default.htm,* or *http://www.regulations.gov.*

Dated: January 18, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–01420 Filed 1–23–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0046]

Clinical Flow Cytometry in Hematologic Malignancies; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

The Food and Drug Administration (FDA) is announcing the following public workshop entitled ''Clinical Flow Cytometry in Hematologic Malignancies.'' The purpose of this public workshop is to seek public input from academia, Government, laboratorians, industry, clinicians, patients and other stakeholders on the role of clinical flow cytometry in hematologic malignancies, in order to develop a specific regulatory policy for this class of in vitro diagnostic devices.

Date and Time: The workshop will be held on February 25 and 26, 2013 from 8 a.m. to 5 p.m.

Location: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Rm. 1503 (Section A of the Great Room) in Bldg. 31, Silver Spring, MD 20993–0002. All visiting public workshop participants (non- FDA employees) must enter through Building 1 for routine security check procedures. For parking and security information, please visit the following Web site: *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Person: Carol Krueger, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5437, Silver Spring, MD 20993–0002, 301–796–3241, *Carol.Krueger@fda.hhs.gov.*

Registration: Registration is free and on a first-come, first-served basis. Persons interested in attending this public workshop must register online by 5 p.m. on February 11, 2013. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permit, onsite registration on the day of the public workshop will be provided beginning at 7 a.m.

To register for the public workshop, please visit FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.) Please provide complete contact information for each attendee, including name, title, affiliation, mailing address, email address, and telephone number. Those without Internet access should contact Carol Krueger to register (see Contact Person). Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

If you need special accommodations due to a disability, please contact Susan Monahan (email: *Susan.Monahan@fda.hhs.gov* or phone:

301–796–5661) no later than February 11, 2013.

Streaming Webcast of the Public Workshop: This workshop will also be available via Webcast. Persons interested in viewing the Webcast must register online by 5:00 p.m. on February 11, 2013. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection access information after February 20, 2013. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Requests for Oral Presentations: This workshop includes public comment sessions. If you wish to present during a public comment session, you must indicate this at the time of registration. At the time of registration identify which discussion topic you wish to address. The topics under consideration for this workshop are identified in section II of this document. FDA will do its best to accommodate requests to present. Individuals and organizations with common interests are urged to consolidate or coordinate their comments, and request time to present a joint comment. Following the close of registration, the Agency will determine the amount of time allotted to each presenter, the approximate time each comment is to begin, and will select and notify speakers by February 20, 2013. All requests to make oral presentations must be received by the close of registration on February 11, 2013. No commercial or promotional material will be permitted to be presented or distributed at the workshop.

Comments: FDA is holding this public workshop to obtain information on the topics identified in section II of this document.

In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. The deadline for submitting comments related to this public workshop is March 29, 2013.

Regardless of attendance at the public workshop, interested persons may submit either electronic or written comments. Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. It is only necessary to send one set of comments. Please identify comments with the docket number found in brackets in the heading of this document. In addition, when responding to specific questions as outlined in section II of this document, please identify the question you are addressing. Received comments may be seen in the Division of Dockets Management between 9:00 a.m. and 4:00 p.m., Monday through Friday and will be posted to the docket at *http://www.regulations.gov.*

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (see *Comments*). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list).

SUPPLEMENTARY INFORMATION:

I. Background

The earliest determination of B and T cell subsets was based on microscopic counting of cells expressing surface immunoglobulins for B cell enumeration, and sheep red blood cells rosette formation was used to enumerate T cells. The subsequent development of leukocyte-specific monoclonal antibodies and flow cytometry contributed to the automation of lymphocyte subset analysis. Flow cytometric lymphocyte subset analysis was initially used to immunophenotype hematological malignancies; however, the HIV epidemic led to a large number of 510(k) submissions addressing use for HIV immune monitoring in AIDS.

In response to these submissions, Draft Guidance for 510(k) Submission of Lymphocyte Immunophenotyping Monoclonal Antibodies was issued September 26, 1991. Prior to this draft document, reagents for CD2 and CD20 were 510(k) cleared based on methodological correlation with accepted reference methods. Following the issuance of the 1991 draft guidance, several test systems identifying CD3 T cells, CD4 and CD8 T cell subsets, NK cells and B cells were cleared under 510(k), with either single reagents or combination of reagents based on the previous clearance of CD2 and CD20 reagents. These clearances for flow cytometry system devices included flow cytometers, reagents, controls, and associated software for data acquisition and data analysis.

In 1997, the FDA issued the Analyte Specific Reagent (ASR) Rule (21 CFR 864.4020) to provide some assurance that 1) critical reagents manufacturers provided to laboratories for use in tests developed by the laboratories were made under current Good Manufacturing Practices (cGMP), 2) manufacturers registered with the FDA and listed such reagents, and 3) manufacturers reported malfunctions, injuries and deaths related to the use of such reagents to the FDA (62 FR 62260, November 21, 1997). Subsequent to publication of the ASR rule in 1997, some manufacturers began to bundle individual ASRs together in the form of reagent panels (''cocktails'') creating devices that went beyond the single reagent ASRs that the rule had anticipated. In 2007, the Agency reiterated and clarified the intentions of the ASR rule in the Guidance for Industry and FDA Staff on Commercially Distributed Analyte Specific Reagents (ASRs): Frequently Asked Questions *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm078423.htm.* The 2007 guidance clarifies that the bundling of ASRs into a panel of multi-analytes is inconsistent with the definition of an ASR per 21 CFR 864.4020. Subsequent to issuance of the guidance, many uncleared, multi-analyte panels were withdrawn from distribution in order to comply with the interpretation of the ''ASR rule.''

Clinical flow cytometry plays a major role world-wide in the diagnosis of leukemia and lymphoma and more recently in the detection of minimal residual disease (MRD). Because there are currently no FDA cleared or approved in vitro diagnostics (IVD) panels for the diagnostic evaluation of hematological malignancies, FDA recognizes that there is an unmet need for such products to assist clinical laboratories in performing this testing. FDA has been working to define the regulatory guidelines for the review of this family of devices and has been actively working with industry and

academia to help bring additional products for clinical flow cytometry to market that are safe and effective.

In partnership with the National Institutes of Health (NIH) and National Institute of Standards and Technology (NIST), CDRH intends to utilize the findings of this workshop in the development of an appropriate, risk-based regulatory framework for Clinical Flow Cytometry, which promotes innovation and protects patient safety.

II. Topics

Topics for discussion during this workshop include: (1) Overview of Quality control and standardization issues associated with Clinical Flow Cytometry (FCM), including discussion of a NIST traceable standard; (2) Biological controls in Clinical FCM: The use of stabilized whole blood samples and cryopreserved cells for normals and chronic lymphocytic leukemia (CLL); (3) Third-party flow cytometry data analysis software; and (4) Overview of FDA regulation of Clinical FCM using the 510(k) clearance process.

The FDA is seeking representation from both North American and European clinical investigators at this workshop. This Clinical FCM Workshop is being planned to occur just prior to a CDER Workshop on the role of MRD in CLL which will be held February 27, 2013 (77 FR 76051, December 26, 2012). An FDA workshop for acute lymphocytic leukemia (ALL) MRD was held April 18, 2012, and a separate workshop on acute myelogenous leukemia (AML) MRD will be held March 4, 2013 (77 FR 76050, December 26, 2012).

Dated: January 17, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–01419 Filed 1–23–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request: The Jackson Heart Study (JHS)

Summary: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval the information collection listed below. This proposed information collection was previously published in the **Federal Register** on October 24, 2012, pages 65001–2, and allowed 60-days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: The Jackson Heart Study: Annual Follow-up with Third Party Respondents. *Type of Information Collection Request:* Revision of a currently approved collection (OMB NO. 0925–0491). *Need and Use of Information Collection:* This project involves annual follow-up by telephone of participants in the JHS study, review of their medical records, and interviews with doctors and family to identify disease occurrence. Interviewers will contact doctors and hospitals to ascertain participants' cardiovascular events. Information gathered will be used to further describe the risk factors, occurrence rates, and consequences of cardiovascular disease in African American men and women. Recruitment of 5,500 JHS participants began in September 2000 and was completed in March 2004. 5,302 participants completed a baseline Exam 1 that included demographics, psychosocial inventories, medical history, anthropometry, resting and ambulatory blood pressure, phlebotomy and 24-hour urine collection, ECG, echocardiography, and pulmonary function. JHS Exam 2 began September 26 2005, followed by a more comprehensive Exam 3 that began in February 2009. The two new exams include some repeated measures from Exam 1 and several new components, including distribution of self-monitoring blood pressure devices. The continuation of the study allows continued assessment of subclinical coronary disease, left ventricular dysfunction, progression of carotid atherosclerosis and left ventricular hypertrophy, and responses to stress, racism, and discrimination as well as new components such as renal disease, body fat distribution and body composition, and metabolic consequences of obesity. The JHS Community Health Advisor Networks (CHANs) comprise another component of the study. The JHS data shows high prevalence of risk factors: 73% of recruited participants are hypertensive, 29% are diabetic, 56% are obese (BMI > 30kg/m2), and 30% have the metabolic syndrome. Exploration of the impact on and interaction of high risk factor levels with other measures of clinical and subclinical disease will help identify unique approaches through epidemiology and prevention research to reduce the disproportionate burden of CVD in African-Americans. . The JHS CHANs play an important role to address CVD prevention by providing training to community members to spread health promotion and prevention messages within the Jackson community. The JHS Community Health Advisors (CHAs) are trained and certified to organize and conduct various outreach activities in five Jackson-area communities. Data on the JHS CHAs will be collected. *Frequency of Response:* One-time. *Affected Public:* Individuals or households; Businesses or other for profit; not-for-profit institutions. *Type of Respondents:* Middle aged and elderly adults; doctors and staff of hospitals and nursing homes. The annual reporting burden is as follows: *Estimated Number of Respondents:* 478; *Estimated Number of Responses per Respondent:* 1.0; *Average Burden Hours Per Response: 2.47);* and *Estimated Total Annual Burden Hours Requested:* 1253. The annualized cost to respondents is estimated at $24,206. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

ESTIMATE OF ANNUAL HOUR BURDEN

Type of respondents	Number of respondents	Frequency of responses	Average time per response	Annual hour burden
Families	200	1	1/6	33
Physicians	200	1	15/60	50
Communities:				

ESTIMATE OF ANNUAL HOUR BURDEN—Continued

Type of respondents	Number of respondents	Frequency of responses	Average time per response	Annual hour burden
Bolton	16	10	90/60	240
Canton	14	10	90/60	210
Clinton	13	10	90/60	195
Jackson	15	10	90/60	225
Rankin	20	10	90/60	300
Total	478	.....	.....	1,253

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments To OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Ms. Cheryl Nelson, Project Officer, NIH, NHLBI, 6701 Rockledge Drive, MSC 7934, Bethesda, MD 20892–7934, or call non-toll-free number 301–435–0451 or email your request, including your address to: *NelsonC@nhlbi.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Lynn Susulske,

NHLBI Project Clearance Liaison, National Institutes of Health.

Michael Lauer,

Director, DCVS, National Institutes of Health.

[FR Doc. 2013–01441 Filed 1–23–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Circadian Clocks and Aging: Molecular Mechanisms.

Date: February 19, 2013.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites—Chevy Chase Pavilion, 4300 Military Rd. NW., Washington, DC 20015.

Contact Person: Elaine Lewis, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7707, *elainelewis@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; Healthy Aging in Africa.

Date: February 28, 2013.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jeannette Johnson, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7705, *johnsonj9@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; Study of Elderly Sleep Cycle II.

Date: March 4, 2013.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Bita Nakahi, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7701 *nakhaib@nia.nih.gov.*

Name of Committee: National Institute on Aging Special Emphasis Panel; Drug Development for Alzheimer's Disease.

Date: March 27, 2013.

Time: 11:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *parsadaniana@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 17, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01329 Filed 1–23–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Advisory Neurological Disorders and Stroke.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: February 24–26, 2013.

Time: 7:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Natcher Building, Conference Room D, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Alan P. Koretsky, Ph.D., Scientific Director, Division of Intramural Research, National Institute of Neurological Disorders and Stroke, NIH, 35 Convent Drive, Room 6A908, Bethesda, MD 20892, (301) 435–2232, *koretskya@ninds.nih.gov*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: January 17, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01327 Filed 1–23–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, March 7, 2013, 12:00 p.m. to March 7, 2013, 4:00 p.m., National Institutes of Health, 6116 Executive Boulevard, Rockville, MD, 20852 which was published in the **Federal Register** on December 7, 2012, 77 FR 73036.

This notice is being amended to change the location, date and time to Hilton Washington DC North, 620 Perry Parkway, Gaithersburg, MD 20877, March 25, 2013, 8:00 a.m.–5:00 p.m. Additionally, the meeting is being held as a face-to-face meeting. The meeting is closed to the public.

Dated: January 17, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01331 Filed 1–23–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Clinical Trials and Translational Research Advisory Committee; Ad hoc Clinical Trials and Strategic Planning Subcommittee.

Date: February 25, 2013.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: Update on the NCI National Clinical Trials Network (NCTN) Working Group of the Ad hoc Clinical Trials Strategic Planning Subcommittee. Dial in number: 1–866–652–9542 and Passcode: 4596704.

Place: National Institutes of Health, 6120 Executive Blvd., Suite 300, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sheila A. Prindiville, MD, MPH, Director, Coordinating Center for Clinical Trials, Office of the Director, National Cancer Institute, National Institutes of Health, 6120 Executive Blvd., 3rd Floor Suite, Bethesda, MD 20892, 301–451–5048, *prindivs@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/ctac/ctac.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 17, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01330 Filed 1–23–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Population Sciences and Epidemiology.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0684, *wieschd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Synthetic and Biological Chemistry A.

Date: February 12, 2013.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Washington, 1515 Rhode Island Ave. NW., Washington, DC 20005.

Contact Person: William A. Greenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1726, *greenbergwa@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.

Date: February 21–22, 2013.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Daniel F McDonald, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Physiology of Obesity and Diabetes Study Section.

Date: February 21–22, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Reed A Graves, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, MSC 7892, Bethesda, MD 20892, (301) 402–6297, *gravesr@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular, Molecular and Integrative Reproduction Study Section.

Date: February 21, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gary Hunnicutt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, 301–435–0229, *hunnicuttgr@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Intercellular Interactions Study Section.

Date: February 21, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.

Contact Person: Wallace Ip, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, 301–435–1191, *ipws@mail.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Vaccines against Microbial Diseases Study Section.

Date: February 21–22, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Dallas Marriott Suites Medical/Market Center, 2493 North Stemmons Freeway, Dallas, TX 75207.

Contact Person: Jian Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7812, Bethesda, MD 20892, 301–435–2778, *wangjia@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Nursing and Related Clinical Sciences Study Section.

Date: February 21, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, 1900 Diagonal Rd., Alexandria, VA 22314.

Contact Person: Priscah Mujuru, RN, DRPH, COHNS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, 301–594–6594, *mujurup@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Community Influences on Health Behavior.

Date: February 21–22, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites DC Convention Center, 900 10th Street NW., Washington, DC 20001.

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Rehabilitation Sciences Study Section.

Date: February 21–22, 2013.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Jo Pelham, BA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, 301–435–1786, *pelhamj@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Cellular and Molecular Immunology—A Study Section.

Date: February 21–22, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Dallas Marriott Suites Medical/Market Center, 2493 North Stemmons Freeway, Dallas, TX 75207.

Contact Person: David B. Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1152, *dwinter@mail.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Neurodegeneration Study Section.

Date: February 21–22, 2013.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Kabuki, 1625 Post Street, San Francisco, CA 94115.

Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–435–1203, *taupenol@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetic Variation and Evolution Study Section.

Date: February 21–22, 2013.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Ronald Adkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, 301–435–4511, *ronald.adkins@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 17, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01336 Filed 1–23–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Clinical Aging Review Committee, NIA–C.

Date: March 7–8, 2013.

Time: 3:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree by Hilton Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alicja L. Markowska, Ph.D., DSC, Scientific Review Officer, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Room 2C212, Bethesda, MD 20892, 301–496–9666 *markowsa@nia.nih.gov*.

Name of Committee: National Institute on Aging Initial Review Group; Neuroscience of Aging Review Committee NIA–N.

Date: March 7–8, 2013.

Time: 4:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree by Hilton Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: William Cruce, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Room 2C212, Bethesda, MD 20892, 301–402–7704, *crucew@nia.nih.gov*.

Name of Committee: National Institute on Aging Initial Review Group; Behavior and Social Science of Aging Review Committee, NIA–S.

Date: March 7–8, 2013.

Time: 4:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree by Hilton Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jeannette L. Johnson, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Room 2C212, Bethesda, MD 20892, 301–402–7705, *johnsonj9@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 17, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01328 Filed 1–23–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Institute Board of Scientific Advisors.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Board of Scientific Advisors.

Date: March 4–5, 2013.

Time: March 4, 2013, 9:00 a.m. to 5:00 p.m.

Agenda: Director's Report: Ongoing and New Business; Reports of Program Review Group(s); and Budget Presentations; Reports of Special Initiatives; RFA and RFP Concept Reviews; and Scientific Presentations.

Place: National Institutes of Health, Building 31, 31 Center Drive, 6th Floor, Conf. Rm. 10, Bethesda, MD 20892.

Time: March 5, 2013, 9:00 a.m. to 1:00 p.m.

Agenda: Reports of Special Initiatives; RFA and RFP Concept Reviews; and Scientific Presentations.

Place: National Institutes of Health, Building 31, 31 Center Drive, 6th Floor, Conf. Rm. 10, Bethesda, MD 20892.

Contact Person: Paulette S. Gray, Ph.D., Executive Secretary, Director, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Rm. 8001, Bethesda, MD 20892, 301–496–5147, *grayp@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *deainfo.nci.nih.gov/advisory/bsa.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 17, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–01333 Filed 1–23–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2012–1006]

Information Collection Requests to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit Information Collection Requests (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collections of information: 1625–0065, Offshore Supply Vessels—Title 46 CFR Subchapter L; and 1625–0105, Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District and the Illinois Waterway, Ninth Coast Guard District. Our ICRs describe the information we seek to collect from the public. Before submitting these ICRs to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before March 25, 2013.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2012–1006] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–611), ATTN PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2100 2ND ST SW STOP 7101, WASHINGTON, DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Ms. Kenlinishia Tyler, Office of Information Management, telephone 202–475–3652, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2012–1006], and must be received by March 25, 2013. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2012–1006], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to http://www.regulations.gov, and type ''USCG–2012–1006'' in the ''Keyword'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2012–1006'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Requests

1. *Title:* Offshore Supply Vessels—Title 46 CFR Subchapter L.

OMB Control Number: 1625–0065.

Summary: Title 46 U.S.C. 3305 and 3306 authorizes the Coast Guard to prescribe safety regulations. Title 46 CFR Subchapter L promulgates marine safety regulations for offshore supply vessels (OSV).

Need: The OSV posting/marking requirements are needed to provide instructions to those onboard of actions to be taken in the event of an emergency. The reporting/recordkeeping requirements verify compliance with regulations without Coast Guard presence to witness routine matters, including OSVs based overseas as an alternative to Coast Guard re-inspection.

Forms: None.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden remains 2,068 hours a year.

2. *Title:* Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District and the Illinois Waterway, Ninth Coast Guard District.

OMB Control Number: 1625–0105.

Summary: The Coast Guard requires position and intended movement reporting, and fleeting operations reporting, from barges carrying certain dangerous cargoes (CDCs) in the inland

rivers within the Eighth and Ninth Coast Guard Districts.

Need: This information is used to ensure port safety and security and to ensure the uninterrupted flow of commerce.

Forms: None.

Respondents: Owners, agents, masters, towing vessel operators, or persons in charge of barges loaded with CDCs or having CDC residue operating on the inland rivers located within the Eighth and Ninth Coast Guard Districts.

Frequency: On occasion.

Burden Estimate: The estimated burden remains 2,196 hours a year.

Dated: January 17, 2013.

R.E. Day,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2013–01356 Filed 1–23–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0038]

Agency Information Collection Activities: Petition To Remove the Conditions on Residence, Form I–751; Revision of a Currently Approved Collection

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on October 30, 2012 at 77 FR 65708, allowing for a 60-day public comment period. USCIS did receive 3 comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until February 25, 2013. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* The comments submitted to the OMB USCIS Desk Officer may also be submitted to DHS via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under eDocket ID number USCIS–2009–0008 or via email at *uscisfrcomment@uscis.dhs.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0038.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. For additional information please read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition to Remove the Conditions on Residence.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–751; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form is used by USCIS to verify the petitioner's status and determine whether the conditional resident is eligible to have his or her status removed.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 140,513 with an estimated time burden per response of 3.333 hours for the form I–751 and an estimated time burden per response of 1.17 hours for the biometric processing.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 797,130 Hours. This is a change from the total annual hour burden reported in the last submission published in the **Federal Register** at 77 FR 65708 on October 30, 2012.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2134; Telephone 202–272–8377.

Dated: January 17, 2013.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2013–01353 Filed 1–23–13; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO300000 L13200000.PP0000 13X]

Renewal and Revision of Approved Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: 60-Day notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act, the Bureau of Land Management (BLM) invites public comments on, and plans to request approval to continue, the collection of information that enables the BLM to manage Federal coal resources in accordance with applicable statutes. The Office of Management and Budget (OMB) has assigned control number 1004–0073 to this information collection.

DATES: Please submit comments on the proposed information collection by March 25, 2013.

ADDRESSES: Comments may be submitted by mail, fax, or electronic mail. Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240. Fax: to Jean Sonneman at 202–245–0050. Electronic mail: *Jean_Sonneman@blm.gov.* Please indicate ''Attn: 1004–0073'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Bill Radden-Lesage, at 202–912–7116. Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, to leave a message for Mr. Radden-Lesage.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act, 44 U.S.C. 3501–3521, require that interested members of the public and affected agencies be given an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)). This notice identifies an information collection that the BLM plans to submit to OMB for approval. The Paperwork Reduction Act provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

The BLM will request a 3-year term of approval for this information collection activity. Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany our submission of the information collection requests to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information is provided for the information collection:

Title: Coal Management (43 CFR parts 3400 through 3480).

OMB Control Number: 1004–0073.

Summary: This collection enables the BLM to learn the extent and qualities of Federal coal resources; evaluate the environmental impacts of coal leasing and development; determine the qualifications of prospective lessees to acquire and hold Federal coal leases; and ensure lessee compliance with applicable statutes, regulations, and lease terms and conditions.

Frequency of Collection: On occasion.

Forms:

- Form 3440–1, Application and License to Mine Coal (Free Use); and
- Form 3400–12, Coal Lease.

Description of Respondents:

- Applicants for, and holders of, coal exploration licenses;
- Applicants/bidders for, and holders of, coal leases;
- Applicants for, and holders of, licenses to mine coal; and
- Surface owners and State and tribal governments whose lands overlie coal deposits.

Estimated Annual Responses: 2,159.

Estimated Annual Burden Hours: 38,809.

Estimated Annual Non-Burden Cost: $625,883 in document processing fees.

Jean Sonneman,

Information Collection Clearance Officer, Bureau of Land Management.

[FR Doc. 2013–01401 Filed 1–23–13; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA 942000 L57000000 BX0000]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of lands described below are scheduled to be officially filed in the Bureau of Land Management California State Office, Sacramento, California, thirty (30) calendar days from the date of this publication.

ADDRESSES: A copy of the plats may be obtained from the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, upon required payment.

Protest: A person or party who wishes to protest a survey must file a notice that they wish to protest with the California State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Geographic Services, Bureau of Land Management, California State Office, 2800 Cottage Way, Room W–1623, Sacramento, California 95825, (916) 978–4310.

SUPPLEMENTARY INFORMATION: These surveys were executed to meet the administrative needs of various federal agencies; the Bureau of Land Management, Bureau of Indian Affairs or Bureau of Reclamation. The lands surveyed are:

Humboldt Meridian, California

T. 11 N., R. 3 E., corrective dependent resurvey, resurvey and subdivision accepted November 27, 2012.
T. 2 N., R. 2 and 3 W., dependent resurvey and metes-and-bounds survey accepted November 30, 2012.

Mount Diablo Meridian, California

T. 41 N., R. 9 E., dependent resurvey and subdivision of sections accepted October 18, 2012.
T. 18 N., R. 10 W., dependent resurvey and subdivision accepted November 13, 2012.
T. 1 N., R. 30 E., dependent resurvey accepted November 14, 2012.
T. 1 N., R. 31 E., dependent resurvey accepted November 14, 2012.
T. 25 S., R 6 E., corrective dependent resurvey accepted December 11, 2012.
T. 11 N., R 9 E., dependent resurvey and subdivision of section accepted December 18, 2012.
T. 13 N., R 16 W., dependent resurvey and survey accepted December 27, 2012.
T. 4 S., R 26 E., metes-and-bounds survey of the Devils Postpile National Monument accepted December 27, 2012.

San Bernardino Meridian, California

T. 5 S., R. 12 W., metes-and-bounds survey of tracts A and B in parcel C–2 accepted October 22, 2012.
T. 7 S., R. 14 E., corrective resurvey, dependent resurvey and subdivision of sections accepted November 26, 2012.
T. 8 S., R. 15 E., dependent resurvey and informative traverse accepted November 26, 2012.
T. 4 N., R. 19 W., dependent resurvey accepted November 27, 2012.
T. 8 S., R. 17 E., dependent resurvey, subdivision of sections, informative

traverse and metes-and-bounds survey accepted November 28, 2012.
T. 7 S., R. 15 E., dependent resurvey, subdivision of sections and metes-and-bounds survey accepted November 28, 2012.
T. 20 N., R. 7 E., supplemental plat of the NW ¼ section 12 accepted November 28, 2012.
T. 8 S., R. 16 E., dependent resurvey, survey, subdivision of sections, informative traverse and metes-and-bounds survey accepted November 28, 2012.

Authority: 43 U.S.C. chapter 3.

Dated: January 9, 2013.

Lance J. Bishop,

Chief Cadastral Surveyor, California.

[FR Doc. 2013–01436 Filed 1–23–13; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO921000–L13200000–EL0000, COC–75642]

Notice of Invitation To Participate; Exploration for Coal in Colorado License Application COC–75642

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Invitation.

SUMMARY: Pursuant to the Mineral Leasing Act of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976, and to Bureau of Land Management (BLM) regulations, all interested parties are hereby invited to participate with Texas and Oklahoma Coal Company, LLC, on a pro rata cost-sharing basis, in its program for the exploration of coal deposits owned by the United States of America on lands located in Las Animas County, Colorado.

DATES: Any party electing to participate in this exploration program must send written notice to both Texas and Oklahoma Coal Company, LLC, and the BLM as provided in the **ADDRESSES** section below by February 25, 2013. Texas and Oklahoma Coal Company, LLC, published a notice of invitation to participate in exploration in the *Trinidad Times Independent* newspaper the weeks of October 23, 2012 and October 30, 2012.

ADDRESSES: Copies of the exploration plan (case file number COC–75642) are available for review during normal business hours in the following offices: BLM, Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215, and BLM, Royal Gorge Field Office, 3028 E. Main St, Canon City, CO 81212. Any party electing to participate in this exploration program shall notify the BLM State Director, in writing, at the BLM Colorado State Office (address above) and Texas and Oklahoma Coal Company, LLC, Attn: Haldane Morris, 2711 N. Haskell Ave, Suite 550, Dallas, TX 75204.

FOR FURTHER INFORMATION CONTACT: Kurt M. Barton at 303–239–3714, *kbarton@blm.gov;* or Melissa Smeins at 719–269–8523, *msmeins@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Texas and Oklahoma Coal Company, LLC, has applied to the BLM for a coal exploration license. The purpose of the exploration program is to obtain geologic information about the coal. The BLM regulations at 43 CFR 3410 require the publication of an invitation to participate in the coal exploration in the **Federal Register**. The Federal coal resources included in the exploration license application are located in the following described lands in Las Animas, Colorado:

Sixth Principal Meridian

T. 32 S., R. 64 W., 6th P.M.
Sec. 19, lots 1, 3, and 4, E½, and SE¼SW¼;
Sec. 20, W½, and W½SE¼;
Sec. 28, NW¼, SE¼, and W½NE¼;
Sec. 29, All;
Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 32, All.
Sec. 33, NE¼, and S½ .
T. 33 S., R. 64 W., 6th P.M.
Sec. 4, lots 3 and 4, SW¼, and S½NW¼;
Sec. 5, lots 1, 3 and 4, SE¼NE¼, and S½SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼, SE¼NW¼, and E½SW¼;
Sec. 7, lots 1 to 4, inclusive, NE¼, E½NW¼, N½SE¼, and E½SW¼;
Sec. 8, NW¼, SE¼, N½SW¼, and SW¼NE¼;
Sec. 9, N½NW¼, and SE¼NW¼;
Sec. 17, NE¼, N½SE¼, SE¼NW¼, and SW¼SW¼;
Sec. 18, lots 1 and 2, E½NW¼, SE¼, S½NE¼, and E½SW¼;
Sec. 19, NE¼NW¼, E½SE¼, N½NE¼, and SE¼NE¼;
Sec. 20, All, except NE¼NE¼;
Sec. 21, NE¼, NE¼NW¼, SW¼NW¼, N½SE¼, SW¼SE¼, and NW¼SW¼.
T. 32 S., R. 65 W., 6th P.M.
Sec. 10, E½;
Sec. 13, lots 1, 2, and 3, SW¼, and W½W½NE¼SE¼;
Sec. 14, S½, and SW¼NW¼;
Sec. 15, E½;
Sec. 22, NE¼, and W½SE¼;
Sec. 23, NE¼, and S½;
Sec. 24, lots 1 to 11, inclusive, NW¼, and SW¼SW¼;
Sec. 25, All;
Sec. 26, All;
Sec. 27, E½;
Sec. 34, E½;
Sec. 35, NW¼, and S½.
T. 33 S., R. 65 W., 6th P.M.
Sec. 1, lots 1 and 2, S½NE¼, N½SE¼, SE¼SE¼, SE¼NW¼, and SW¼SW¼;
Sec. 2, lots 1 to 4, inclusive, SW¼NE¼, SW¼, S½SE¼, NW¼SE¼, and S½NW¼;
Sec. 3, lots 1 and 2, SE¼, and S½NE¼;
Sec. 11, All, except W½SW¼;
Sec. 12, NW¼, S½NE¼, and S½;
Sec. 13, NE¼.

These lands contain 16,323.42 acres, more or less.

The proposed exploration program is fully described in, and will be conducted pursuant to, an exploration plan to be approved by the BLM.

The foregoing is published in the **Federal Register** pursuant to 43 CFR 3410.2–1(c)(1).

Helen M. Hankins,

BLM Colorado State Director.

[FR Doc. 2013–01264 Filed 1–23–13; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01000 L12200000.AL 0000]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council (DAC) to the Bureau of Land Management (BLM), U.S. Department of the Interior, will meet in formal session on Saturday, February 9, 2013, from 8 a.m. to 4:30 p.m. at the Hampton Inn & Suites, 2710 Lenwood Rd., Barstow, CA 92311. There also will be a field trip on Friday, February 8, from 8 a.m. to 4:30 p.m. on BLM-administered lands. Meeting and field trip details will be posted on the DAC web page, *http://www.blm.gov/ca/st/en/info/rac/dac.html,* when finalized.

Agenda topics for the Saturday meeting will include a focus on renewable energy, including the proposed Desert Renewable Energy Conservation Plan, as well as updates by council members, the BLM California Desert District manager, five field office managers, and council subgroups. Final

agenda items will be posted on the DAC Web page listed above.

SUPPLEMENTARY INFORMATION: All DAC meetings are open to the public. Public comment for items not on the agenda will be scheduled at the beginning of the meeting Saturday morning. Time for public comment may be made available by the council chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda.

While the Saturday meeting is tentatively scheduled from 8:00 a.m. to 4:30 p.m., the meeting could conclude prior to 4:30 p.m. should the council conclude its presentations and discussions. Therefore, members of the public interested in a particular agenda item or discussion should schedule their arrival accordingly.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, External Affairs, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION CONTACT: David Briery, BLM California Desert District External Affairs, (951) 697–5220.

Dated: January 3, 2013.

Timothy J. Wakefield,

Associate District Manager, California Desert District.

[FR Doc. 2013–01301 Filed 1–23–13; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11919; 2200–1100–665]

Notice of Intent To Repatriate a Cultural Item: Department of the Interior, Bureau of Land Management, Salt Lake City, UT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM), Utah State Office, in consultation with the appropriate Indian tribes, has determined that the cultural item meets the definition of both a sacred object and an object of cultural patrimony, and repatriation to the Indian tribe stated below may occur if no additional claimants come forward. Representatives of any Indian tribe that believes itself to be culturally affiliated with the cultural item may contact the BLM Utah State Office at the below address.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the cultural item should contact the BLM at the address below by February 25, 2013.

ADDRESSES: Mr. Juan Palma, State Director, Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, UT 84145–0155, telephone (801) 539–4010.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item in the possession of the BLM Utah State Office in Salt Lake City, UT, that meets the definition of both a sacred object and an object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

The one cultural item is a Dilzini Gaan headdress consisting of painted wood and cloth. It was acquired in 2009 by BLM law enforcement agents during a search warrant of a Blanding, UT, home as a part of the investigation code-named ''Cerberus Action.'' It is unknown where or when the suspect acquired the headdress.

Tribal cultural authorities of the Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona, consulted with BLM cultural resources staff, and identified the headdress as a sacred object and an object of cultural patrimony eligible for repatriation under NAGPRA. The tribal cultural authorities recognized the materials used in the construction of this item, as well as the item's style and type. Consequently, these tribal consultants were able to determine that the item is culturally affiliated specifically with the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, and to clearly distinguish it from other items of similar type and style associated with other Apache groups.

Determinations Made by the Bureau of Land Management, Utah State Office

Officials of the BLM, Utah State Office have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Dilzini Gaan headdress and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona.

Additional Requestors and Disposition

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the Dilzini Gaan headdress should contact Mr. Juan Palma, State Director, Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, UT 84145–0155, telephone (801) 539–4010 before February 25, 2013. Repatriation of the Dilzini Gaan headdress to the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, may proceed after that date if no additional claimants come forward.

The BLM, Utah State Office is responsible for notifying the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; and the Chiricahua Apache Nation (a non-Federally recognized Indian group) that this notice has been published.

Dated: December 13, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2013–01324 Filed 1–23–13; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11980; 2200–1100–665]

Notice of Inventory Completion: University of Washington, Department of Anthropology, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Washington, Department of Anthropology, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the remains and any present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact the Burke Museum acting on behalf of the University of Washington, Department of Anthropology. Disposition of the human remains to the Indian tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains should contact the University of Washington at the address below by February 25, 2013.

ADDRESSES: Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Washington, Department of Anthropology and in the physical custody of the Burke Museum. The human remains were most likely removed from the area of the Columbia River Plateau, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Burke Museum and University of Washington professional staff in consultation with representatives of the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Colville Reservation; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; Nez Perce Tribe (previously listed as Nez Perce Tribe of Idaho); and the Wanapum Band, a non-Federally recognized Indian group. In 1995, as part of the NAGPRA compliance process, these remains were reported to the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Chehalis Reservation; Confederated Tribes of the Colville Reservation; Hoh Indian Tribe (previously listed as the Hoh Indian Tribe of the Hoh Indian Reservation, Washington); Jamestown S'Klallam Tribe; Kalispel Indian Community of the Kalispel Reservation; Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington); Lummi Tribe of the Lummi Reservation; Makah Indian Tribe of the Makah Indian Reservation; Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington); Nisqually Indian Tribe (previously listed as the Nisqually Indian Tribe of the Nisqually Reservation, Washington); Nooksack Indian Tribe; Port Gamble Band of S'Klallam Indians (previously listed as the Port Gamble Indian Community of the Port Gamble Reservation, Washington); Puyallup Tribe of the Puyallup Reservation; Quileute Tribe of the Quileute Reservation; Quinault Indian Nation (previously listed as the Quinault Tribe of the Quinault Reservation, Washington); Sauk-Suiattle Indian Tribe; Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation (previously listed as the Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington); Skokomish Indian Tribe (previously listed as the Skokomish Indian Tribe of the Skokomish Reservation, Washington); Spokane Tribe of the Spokane Reservation; Squaxin Island Tribe of the Squaxin Island Reservation; Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington); Suquamish Indian Tribe of the Port Madison Reservation; Swinomish Indians of the Swinomish Reservation of Washington; Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe (hereafter all tribes listed in this section are referred to as ''The Consulted and Notified Tribes'').

History and Description of the Remains

At an unknown date, most likely prior to 1965, human remains representing, at minimum, one individual (Specimen #5) were removed from an unknown area most likely within the Columbia Plateau, WA. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the University of Washington, Department of Anthropology

Officials of the University of Washington, Department of Anthropology, have determined that:

- Based on cranial morphology, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Colville Reservation; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; and the Nez Perce Tribe (previously listed as Nez Perce Tribe of Idaho).
- Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Colville Reservation; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; and the Nez Perce Tribe (previously listed as Nez Perce Tribe of Idaho).
- Other credible lines of evidence, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Colville Reservation; Confederated Tribes of the Umatilla Indian

Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; Nez Perce Tribe (previously listed as Nez Perce Tribe of Idaho); and the Wanapum Band, a non-Federally recognized Indian group (hereafter referred to as ''The Aboriginal Tribes'').

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Aboriginal Tribes.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, before February 25, 2013. Disposition of the human remains to The Aboriginal Tribes may proceed after that date if no additional requestors come forward.

The University of Washington, Department of Anthropology is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: December 21, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2013–01312 Filed 1–23–13; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11962; 2200–1100–665]

Notice of Inventory Completion: Arkansas State University Museum, Jonesboro, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas State University Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that, pursuant to 25 U.S.C. 3001(2), there is a cultural affiliation between the human remains and associated funerary objects and a present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact the Arkansas State University Museum. Repatriation of the human remains and associated funerary objects to the Indian tribe stated below may occur if no additional claimants come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact the Arkansas State University Museum at the address below by February 25, 2013.

ADDRESSES: Dr. Marti Allen, Director, Arkansas State University Museum, P.O. Box 490, State University, Jonesboro, AR 72467, telephone (870) 972–2074.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Arkansas State University Museum, Jonesboro, AR. The human remains and associated funerary objects were removed from Marion County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Arkansas State University Museum and Arkansas Archaeological Survey professional staff in consultation with representatives of the Quapaw Tribe of Indians and The Osage Nation.

History and Description of the Remains

Between 1961 and 1962, human remains representing, at minimum, 12 individuals were removed from a cave site on the Deep Valley Ranch, in Marion County, AR, by Dr. Eugene Wittlake of Arkansas State University. The remains were subsequently donated to the Arkansas State University Museum. No known individuals were identified. The 665 associated funerary objects are 3 Mississippian plain rim sherds; 19 Mississippian plain body sherds; 130 unworked animal bones; 4 charcoal fragments; 6 wood fragments; 425 small shells; 9 mussel shell fragments; 1 celt; 8 natural lithics; 1 chert core; 2 worked stones; 10 partial projectile points; 7 projectile points; 3 partial biface lithics; and 37 chert debitage pieces.

Excavation records indicate that 10 of the individuals were in single inhumations in quadrant 12, which measured 5 feet by 5 feet. All the objects found in this quadrant were determined to be associated funerary objects. Excavation records do not indicate the location of the burials belonging to the other two individuals. Historical evidence, material culture, and oral history indicate that this region is part of the traditional territory of The Osage Nation. The Osage were semi-nomadic people who lived and hunted in southwestern Missouri, northwestern Arkansas, southeast Kansas, and northeast Oklahoma. Marion County, AR, is located on land ceded by the Osage in an 1825 treaty.

Determinations Made by the Arkansas State University Museum

Officials of the Arkansas State University Museum have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of a minimum of 12 individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 665 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the associated funerary objects and The Osage Nation.

Additional Requestors and Disposition

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Marti Allen, Director, Arkansas State University Museum, P.O. Box 490, State University, Jonesboro, AR 72467, telephone (870) 972–2074, before February 25, 2013. Repatriation of the human remains and associated funerary objects to The Osage Nation may proceed after that date if no additional claimants come forward.

The Arkansas State University Museum is responsible for notifying the Quapaw Tribe of Indians and The Osage Nation that this notice has been published.

Dated: December 18, 2012.

David Tarler,

Acting Manager, National NAGPRA Program.

[FR Doc. 2013–01350 Filed 1–23–13; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11917; 2200–1100–665]

Notice of Inventory Completion: University of Washington, Department of Anthropology, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Washington, Department of Anthropology, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the remains and any present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact the Burke Museum acting on behalf of the University of Washington, Department of Anthropology. Disposition of the human remains and associated funerary objects to the Indian tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact the University of Washington at the address below by February 25, 2013.

ADDRESSES: Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the University of Washington, Department of Anthropology. The human remains were removed from a location near the Skagit River in Skagit County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Burke Museum and University of Washington professional staff in consultation with representatives of the Lummi Tribe of the Lummi Reservation; Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington); Nooksack Indian Tribe; Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington); Sauk-Suiattle Indian Tribe; Stillaguamish Tribe of Indians of Washington (previously listed as the Stillaguamish Tribe of Washington); Suquamish Indian Tribe of the Port Madison Reservation; Swinomish Indians of the Swinomish Reservation of Washington; Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe. In 1995, as part of the NAGPRA compliance process, these remains were reported to the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Chehalis Reservation; Confederated Tribes of the Colville Reservation; Hoh Indian Tribe (previously listed as the Hoh Indian Tribe of the Hoh Indian Reservation, Washington); Jamestown S'Klallam Tribe; Kalispel Indian Community of the Kalispel Reservation; Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington); Lummi Tribe of the Lummi Reservation; Makah Indian Tribe of the Makah Indian Reservation; Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington); Nisqually Indian Tribe (previously listed as the Nisqually Indian Tribe of the Nisqually Reservation, Washington); Nooksack Indian Tribe; Port Gamble Band of S'Klallam Indians (previously listed as the Port Gamble Indian Community of the Port Gamble Reservation, Washington); Puyallup Tribe of the Puyallup Reservation; Quileute Tribe of the Quileute Reservation; Quinault Indian Nation (previously listed as the Quinault Tribe of the Quinault Reservation, Washington); Sauk-Suiattle Indian Tribe; Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation (previously listed as the Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington); Skokomish Indian Tribe (previously listed as the Skokomish Indian Tribe of the Skokomish Reservation, Washington); Spokane Tribe of the Spokane Reservation; Squaxin Island Tribe of the Squaxin Island Reservation; Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington); Suquamish Indian Tribe of the Port Madison Reservation; Swinomish Indians of the Swinomish Reservation of Washington; Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe (hereafter all tribes listed in this section are referred to as ''The Consulted and Notified Tribes'').

History and Description of the Remains

In 1978, human remains representing, at minimum, one individual (Specimen #14) were removed from a location near the north fork of the Skagit River in Skagit County, WA. The human remains were identified during the installation of a septic tank and removed by a pathologist on behalf of the Skagit County Coroner. No known individuals were identified. The one associated funerary object is a non-human mammal bone.

Determinations Made by the University of Washington, Department of Anthropology

Officials of the University of Washington, Department of Anthropology, have determined that:

- Based on cranial morphology and original documentation records, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Lower Skagit. The Lower Skagit signed the Point Elliot Treaty of January 22, 1855, and thereafter moved to the Swinomish Reservation. Descendants of the Lower Skagit are members of the present-day Swinomish Indians of the Swinomish Reservation of Washington and the Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington).
- The Point Elliot Treaty of January 22, 1855, was signed by representatives from the Lummi Tribe of the Lummi Reservation; Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington); Nooksack Indian Tribe; Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington); Sauk-Suiattle Indian Tribe; Stillaguamish Tribe of

Indians of Washington (previously listed as the Stillaguamish Tribe of Washington); Suquamish Indian Tribe of the Port Madison Reservation; Swinomish Indians of the Swinomish Reservation of Washington; Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe (hereafter referred to as ''The Aboriginal Tribes''). The Point Elliot Treaty provided an agreement between the above-mentioned tribes and the United States Government for land in western Washington. The land from which the Native American human remains and associated funerary objects were removed (near the Skagit River in Skagit County) was part of the aboriginal land ceded by the Point Elliot Treaty.

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the one object described above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Aboriginal Tribes. As of the date of publication, the Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington); Stillaguamish Tribe of Indians of Washington (previously listed as the Stillaguamish Tribe of Washington); and the Swinomish Indians of the Swinomish Reservation have claimed the human remains and funerary objects.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary object or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, before February 25, 2013. Disposition of the human remains to The Aboriginal Tribes may proceed after that date if no additional requestors come forward.

The University of Washington, Department of Anthropology is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: December 13, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2013–01323 Filed 1–23–13; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11981; 2200–1100–665]

Notice of Inventory Completion: University of Washington, Department of Anthropology, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Washington, Department of Anthropology, has completed an inventory of human remains, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the remains and any present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact the Burke Museum acting on behalf of the University of Washington, Department of Anthropology. Disposition of the human remains to the Indian tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains should contact the University of Washington at the address below by February 25, 2013.

ADDRESSES: Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Washington, Department of Anthropology and in the physical custody of the Burke Museum. The human remains were most likely removed from Lincoln County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Burke Museum and University of Washington professional staff in consultation with representatives of the Confederated Tribes of the Colville Reservation; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); Spokane Tribe of the Spokane Reservation; and the Wanapum Band, a non-Federally recognized Indian group. In 1995, as part of the NAGPRA compliance process, these remains were reported to the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Chehalis Reservation; Confederated Tribes of the Colville Reservation; Hoh Indian Tribe (previously listed as the Hoh Indian Tribe of the Hoh Indian Reservation, Washington); Jamestown S'Klallam Tribe; Kalispel Indian Community of the Kalispel Reservation; Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington); Lummi Tribe of the Lummi Reservation; Makah Indian Tribe of the Makah Indian Reservation; Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington); Nisqually Indian Tribe (previously listed as the Nisqually Indian Tribe of the Nisqually Reservation, Washington); Nooksack Indian Tribe; Port Gamble Band of S'Klallam Indians (previously listed as the Port Gamble Indian Community of the Port Gamble Reservation, Washington); Puyallup Tribe of the Puyallup Reservation; Quileute Tribe of the Quileute Reservation; Quinault Indian Nation (previously listed as the Quinault Tribe of the Quinault Reservation, Washington); Sauk-Suiattle Indian Tribe; Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation (previously listed as the Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington); Skokomish Indian Tribe (previously listed as the Skokomish Indian Tribe of the Skokomish Reservation, Washington); Spokane Tribe of the Spokane Reservation; Squaxin Island Tribe of the Squaxin Island Reservation; Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington); Suquamish Indian Tribe of the Port Madison Reservation; Swinomish Indians of the Swinomish Reservation of Washington; Tulalip Tribes of

Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe (hereafter all tribes listed in this section are referred to as ''The Consulted and Notified Tribes'').

History and Description of the Remains

At an unknown date, most likely prior to 1955, human remains representing, at minimum, one individual (Specimen #6) were removed from an unknown area most likely within the Lincoln County, WA. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the University of Washington, Department of Anthropology

Officials of the University of Washington, Department of Anthropology, have determined that:

- Based on cranial morphology, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Confederated Tribes of the Colville Reservation and the Spokane Tribe of the Spokane Reservation.
- Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Confederated Tribes of the Colville Reservation and the Spokane Tribe of the Spokane Reservation.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Confederated Tribes of the Colville Reservation and the Spokane Tribe of the Spokane Reservation.

Additional Requestors and Disposition

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, before February 25, 2013. Disposition of the human remains to the Confederated Tribes of the Colville Reservation and the Spokane Tribe of the Spokane Reservation may proceed after that date if no additional requestors come forward.

The University of Washington, Department of Anthropology is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: December 21, 2012.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2013–01321 Filed 1–23–13; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11961; 2200–1100–665]

Notice of Inventory Completion: Arkansas State University Museum, Jonesboro, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas State University Museum has completed an inventory of human remains, in consultation with the appropriate Indian tribes, and has determined that, pursuant to 25 U.S.C. 3001(2), there is a cultural affiliation between the human remains and a present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact the Arkansas State University Museum. Repatriation of the human remains to the Indian tribe stated below may occur if no additional claimants come forward.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains should contact the Arkansas State University Museum at the address below by February 25, 2013.

ADDRESSES: Dr. Marti Allen, Director, Arkansas State University Museum, P.O. Box 490, State University, Jonesboro, AR 72467, telephone (870) 972–2074.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Arkansas State University Museum, Jonesboro, AR. The human remains were removed from the St. Francis River Valley region in Cross and Poinsett counties, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Arkansas State University Museum and Arkansas Archaeological Survey professional staffs in consultation with representatives of the Quapaw Tribe of Indians and The Osage Nation.

History and Description of the Remains

Sometime prior to 1977, human remains representing, at minimum, one individual were removed from an unknown location, most likely in Poinsett County, AR. In June 1977, the human remains were donated by Mr. Curtis Noble of Poinsett County, AR, to the Arkansas State University Museum. No known individual was identified. No associated funerary items are present. The remains were donated by Mr. Curtis Noble as part of his procured collection. The donation record states the collection contains ''objects [Noble] collected, mostly from Poinsett County, over a 40 year period.'' Although the specific location of removal is unknown, museum officials reasonably believe that the remains were removed from Poinsett County.

In 1958, human remains representing, at minimum, three individuals were removed from the Cherry Valley Mounds (site 3CS40), in Cross County, AR, by Dr. Eugene Wittlake of Arkansas State University. The remains were subsequently donated to the Arkansas State University Museum in November of 1958. No known individuals were identified. No associated funerary objects are present. Situated on the west side of Crowley's Ridge, the site consisted of four mounds numbered one through four and was originally excavated by the Gilcrease Institute of Oklahoma. Dr. Wittlake was given permission by the Gilcrease Institute to excavate only at mound number four. Non-funerary artifacts removed from the site date the human remains to the Mississippian Period (A.D. 1050–1400).

Between 1957 and 1958, human remains representing, at minimum, four individuals were removed from the Walnut Mound (site 3PO57), in Poinsett County, AR, by Dr. Eugene Wittlake of Arkansas State University. The human remains were subsequently donated to the Arkansas State University Museum

in 1958. No known individuals were identified. No associated funerary objects are present. The site contained a mound, about 40 feet in diameter and three feet in height, located in a swamp south of Hood Lake and north of Weiner in Poinsett County, AR. Archeological evidence shows that an Archaic village stratum (2000–1000 B.C.), was covered by a Late Baytown burial mound during the Late Woodland Period (A.D. 400–700). The four individuals were discovered in this burial mound. Early Mississippian (A.D. 700–900) occupation of the site is also attested by the presence of shell tempered ceramic sherds.

Between 1959 and 1964, human remains representing, at minimum, 103 individuals were removed from Ballard Mound (site 3PO115), in Poinsett County, AR by Dr. Eugene Wittlake of Arkansas State University. The remains were subsequently donated to the Arkansas State University Museum later that same year. No known individuals were identified. No associated funerary objects are present. Ballard Mound was excavated between 1959 and 1964 by Dr. Wittlake. Non-funerary artifacts removed from the site date the human remains to the Cherry Valley Phase of the Early Mississippian Period (A.D. 1050–1150).

Sometime between 1956 and 1960, human remains representing, at minimum, 16 individuals were removed from the McDuffee site (3CG21), in Craighead County, AR, by unknown individuals. The remains were subsequently donated to the Arkansas State University Museum between 1956 and 1960. No known individuals were identified. No associated funerary objects are present. Excavation records for this site from the Gilcrease Museum in Oklahoma show that the site consisted of a ''large village with two mounds.'' Non-funerary artifacts removed from the site date the human remains to the Middle Mississippian Period (A.D. 1170–1300).

Sometime prior to 1957, human remains representing, at minimum, 14 individuals were removed from the Huber Site, in Poinsett County, AR, by unknown individuals. The remains were subsequently donated to the Arkansas State University Museum in September of 1957. No known individuals were identified. No associated funerary objects are present. Although no excavation records exist for this site, discussions with a descendant of the site owner suggest that there were at least four mounds on the property. All four mounds have now been land leveled. Non-funerary artifacts removed from the site date the human remains to the Mississippian Period (A.D. 900–1500).

Sometime prior to 1961, human remains representing, at minimum, one individual were removed from the Judd Hill Plantation site, in Poinsett County, AR, by Dr. Eugene Wittlake of Arkansas State University. The remains were subsequently donated to the Arkansas State University Museum in July of 1961. No known individual was identified. No associated funerary objects are present. Non-funerary artifacts removed from the site date the human remains anywhere from the Middle Woodland Period (A.D. 1–500) to the Middle Mississippian Period (A.D. 1170–1300).

In 1957, human remains representing, at minimum, three individuals were removed from the Miller site (3PO24), in Poinsett County, AR, by Dr. Eugene Wittlake of Arkansas State Unviersity. The remains were subsequently donated to the Arkansas State University Museum in November of 1957. No known individuals were identified. No associated funerary objects are present. Non-funerary artifacts removed from the site date the human remains to the Mississippian Period (A.D. 1050–1400).

Oral history evidence presented by representatives of the Quapaw Tribe of Indians indicates that the St. Francis River Valley region, which includes Cross and Poinsett counties, has long been included in the traditional and hunting territory of the Quapaw. French colonial records (A.D. 1700) also indicate that the Quapaw were known to be the only Native American group present at that time in the St. Francis River valley region.

Determinations Made by the Arkansas State University Museum

Officials of the Arkansas State University Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of a minimum of 145 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Quapaw Tribe of Indians.

Additional Requestors and Disposition

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Marti Allen, Director, Arkansas State University Museum, P.O. Box 490, State University, Jonesboro, AR 72467, telephone (870)-972–2074, before February 25, 2013. Repatriation of the human remains to the Quapaw Tribe of Indians may proceed after that date if no additional claimants come forward.

The Arkansas State University Museum is responsible for notifying the Quapaw Tribe of Indians and The Osage Nation that this notice has been published.

Dated: December 18, 2012.

David Tarler,

Acting Manager, National NAGPRA Program.

[FR Doc. 2013–01347 Filed 1–23–13; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–AKR–ANIA–DENA–WRST–11950; PPAKAKROR4, PPMPRLE1Y.LS0000]

Notice of Open Public Meetings for the National Park Service Alaska Region Subsistence Resource Commission (SRC) Program

AGENCY: National Park Service (NPS), Interior.

ACTION: Meeting notice.

SUMMARY: As required by the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), the NPS is hereby giving notice that the Aniakchak National Monument SRC, Denali National Park SRC, and the Wrangell-St. Elias SRC will hold meetings to develop and continue work on NPS subsistence program recommendations and other related subsistence management issues. The NPS SRC program is authorized under Title VIII, Section 808 of the Alaska National Interest Lands Conservation Act, Public Law 96–487.

Public Availability of Comments: These meetings are open to the public and will have time allocated for public testimony. The public is welcome to present written or oral comments to the SRC. The meetings will be recorded and meeting minutes will be available upon request from the park superintendent for public inspection approximately six weeks after the meeting. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Aniakchak National Monument SRC Meeting Date and Location: The Aniakchak National Monument SRC will meet from 1:30 p.m. to 5 p.m. on Monday, February 11, 2013, at the Katmai National Park Office in the King Salmon Mall in King Salmon, AK. SRC meeting locations and dates may change based on inclement weather or exceptional circumstances. If the meeting date and location are changed, the Superintendent may issue a press release and use local newspapers and radio stations to announce the meeting.

Aniakchak National Monument SRC Proposed Meeting Agenda: The proposed meeting agenda includes the following:

1. Call to Order—Confirm Quorum
2. Welcome and Introductions
3. Administrative Announcements
4. Approval of Minutes
5. SRC Purpose
6. SRC Membership Status
7. Election of Officers (Chair and Vice Chair)
8. SRC Chair and Member Reports
9. Public and Other Agency Comments
10. Old Business
    a. Update on environmental assessment on the subsistence collections and uses of shed or discarded animal and plants
11. New Business
12. Federal Subsistence Board Updates
13. Alaska Board of Game Updates
14. National Park Service Reports
    a. Superintendent updates
    b. Subsistence manager updates
    c. Resource management updates
    d. Ranger updates
15. Public and Other Agency Comments
16. SRC Work Session
17. Select Time and Location for Next Meeting
18. Adjourn Meeting

FOR FURTHER INFORMATION CONTACT: *Designated Federal Official:* Eric Veach, Acting Superintendent at (907) 246–3305 or Mary McBurney, Subsistence Manager, at (907) 235–7891, or Clarence Summers, Subsistence Manager, at (907) 644–3603. If you are interested in applying for SRC membership, contact the Superintendent at P.O. Box 7, King Salmon, AK 99613 or visit the park Web site at: *http://www.nps.gov.ania/contacts.htm.*

Denali National Park SRC Meeting Date and Location: The Denali National Park SRC will meet from 9:00 a.m. to 5:p.m. on Tuesday, February 26, 2013, or until business is completed at the Cantwell Community Hall in Cantwell, AK. SRC meeting locations and dates may change based on inclement weather or exceptional circumstances. If the meeting date and location are changed, the Superintendent may issue a press release and use local newspapers and radio stations to announce the meeting.

Denali National Park SRC Proposed Meeting Agenda: The proposed meeting agenda includes the following:

1. Call to Order—Confirm Quorum
2. Welcome and Introductions
3. Administrative Announcements
4. Approve Agenda
5. Approval of Minutes
6. SRC Purpose
7. Status of Membership
8. SRC Chair and Members Reports
9. Public and Other Agency Comments
10. Old Business
    a. Update on environmental assessment on the subsistence collections and uses of shed or discarded animal and plants
11. New Business
12. Federal Subsistence Board Updates
13. Alaska Board of Game Updates
14. National Park Service Reports
    a. Superintendent updates
    b. Subsistence manager updates
    c. Resource management updates
    d. Ranger updates
15. Public and Other Agency Comments
16. SRC Work Session
17. Select Time and Location for Next Meeting
18. Adjourn

FOR FURTHER INFORMATION CONTACT: *Designated Federal Official:* Philip Hooge, Assistant Superintendent, or Amy Craver, Subsistence Manager, at (907) 683–2294 or Clarence Summers, Subsistence Manager, at (907) 644–3603. If you are interested in applying for Denali National Park, SRC membership, contact the Superintendent at P.O. Box 9, Denali Park, AK 99755, or visit the park Web site at: *http://www.nps.gov.dena/contacts.htm.*

Wrangell-St. Elias National Park SRC Meeting Date and Location: The Wrangell-St. Elias National Park SRC will meet from 9:00 a.m. to 5:00 p.m. on Wednesday, March 6 to Thursday, March 7, 2013, at Kenny Lake Community Hall in Kenny Lake, AK. SRC meeting locations and dates may change based on inclement weather or exceptional circumstances. If the meeting date and location are changed, the Superintendent may issue a press release and use local newspapers and radio stations to announce the meeting.

Wrangell-St. Elias Park SRC Proposed Meeting Agenda: The proposed meeting agenda includes the following:

1. Call to Order—Confirm Quorum
2. Welcome Introduction
3. Review and Adoption of Agenda
4. Review and Approval of Minutes from the October 30, 2012, Meeting
5. Welcome by Local Community (Kenny Lake League Representative)
6. Superintendent's Welcome and Review of the Commission Purpose
7. SRC Membership Status
8. Election of Officers (Chair and Vice Chair)
9. SRC Chair and Members Reports
10. Superintendent's Report
11. Old Business
    a. Update on environmental assessment on the subsistence collections and uses of shed or discarded animal parts and plants from NPS areas in Alaska
    b. Update on Nabesna-area ORV management
    c. Update on firewood harvest and portable motors
    d. Report on actions at January 2013 Federal Subsistence Board meeting
12. New Business
    a. Call for proposals to change federal subsistence wildlife regulations
    b. Public testimony Unit 11 by residents of Kenny Lake
    c. Discussion of topics to bring up at SRC Chairs Workshop
    d. Updates to the park subsistence plan
    e. Use of chainsaws and small motors
    f. SRC involvement in developing compendium entries
13. National Park Service Reports
    a. Ranger updates
    b. Resource management updates
    c. Fisheries management updates
    d. Wildlife management updates
    e. Subsistence manager's report
14. Public and Other Agency Comments
15. Work Session
16. Set Tentative Date and Location for Next Subsistence Resource Commission Meeting
17. Adjourn

FOR FURTHER INFORMATION CONTACT: *Designated Federal Official:* Rick Obernesser, Superintendent, or Barbara Cellarius, Subsistence Manager, at (907) 822–5234 or Clarence Summers Subsistence Manager, at (907) 644–3603. If you are interested in applying for Wrangell-St. Elias National Park SRC membership, contact the Superintendent at P.O. Box 439, Copper Center, AK 99573, or visit the park Web site at: *http://www.nps.gov.wrst/contacts.htm.*

Dated: December 8, 2012.

Debora R. Cooper,

Associate Regional Director, Resources and Subsistence, Alaska Region.

[FR Doc. 2013–01319 Filed 1–23–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–11688; 2200–1100–665]

Native American Graves Protection and Repatriation Review Committee Findings Related to the Return of Cultural Items in the Possession of the Alaska State Museum, Juneau, AK

AGENCY: National Park Service, Interior.

ACTION: Native American Graves Protection and Repatriation Review Committee: Findings.

This notice is published as part of the National Park Service's administrative responsibilities pursuant to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006 (g)). The recommendations, findings and actions of the Review Committee associated with this dispute are advisory only and not binding on any person. These advisory findings and recommendations do not necessarily represent the views of the National Park Service or Secretary of the Interior. The National Park Service and the Secretary of the Interior have not taken a position on these matters.

SUMMARY: The Native American Graves Protection and Repatriation Review Committee (Review Committee) was established by Section 8 of the Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 3006), and is an advisory body governed by the Federal Advisory Committee Act (5 App. U.S.C. 1–16). At a November 17–19, 2010 public meeting in Washington, DC, and acting pursuant to its statutory responsibility to convene the parties to a dispute relating to the return of cultural items, and to facilitate the resolution of such a dispute, the Review Committee heard a dispute between the Wrangell Cooperative Association, joined by Sealaska Corporation, and the Alaska State Museum. The issue before the Review Committee was whether, in response to a request for the repatriation of a cultural item in the possession of the Alaska State Museum, the Alaska State Museum presented evidence proving that the Museum has a ''right of possession'' to the cultural item, as this term is defined in the NAGPRA regulations. The Review Committee found that the Alaska State Museum had not presented evidence proving that the Museum has a ''right of possession'' to the cultural item. The Review Committee meeting transcript containing the dispute proceedings and Review Committee deliberation and finding is available from the National NAGPRA Program upon request (*NAGPRA_Info@nps.gov*).

SUPPLEMENTARY INFORMATION: Since 1969, a Tlingit Teeyhíttaan Clan *Yéil aan Kaawu Naa s'aaxw,* or Leader of all Raven Clan Hat (Clan Hat), has been in the ''possession'' of the Alaska State Museum, as this term is defined in the NAGPRA regulations (43 CFR 10.2(a)(3)(i)). Pursuant to NAGPRA, in 2008, Sealaska Corporation requested the repatriation of the Clan Hat. (On August 13, 2010, the Wrangell Cooperative Association, an Alaska Native village, became a party to the repatriation request.) The request identified the Clan Hat as a ''sacred object'' and an object of ''cultural patrimony,'' as these terms are defined in NAGPRA (25 U.S.C. 3001 (3)(C) and (D)). While acknowledging that the Clan Hat is a sacred object and an object of cultural patrimony, the Alaska State Museum asserted the ''right of possession'' to the Clan Hat, as defined in the NAGPRA regulations (43 CFR 10.10(a)(2)).

Disputing the Alaska State Museum's claim of right of possession to the Clan Hat, Sealaska Corporation and the Wrangell Cooperative Association joined in asking the Review Committee to facilitate the resolution of the dispute between themselves and the Alaska State Museum. The Designated Federal Official for the Review Committee agreed to the request.

At its November 17–19, 2010 meeting, the Review Committee considered the dispute. The issue before the Review Committee was whether, in response to the request for the repatriation of the Clan Hat, the Alaska State Museum presented evidence proving, by a preponderance of the evidence, that the Museum has a ''right of possession'' to the Clan Hat. As defined in the NAGPRA regulations, '' 'right of possession' means possession obtained with the voluntary consent of an individual or group that had authority of alienation.'' Right of possession to the Clan Hat, therefore, would be deemed to have been given to the Alaska State Museum if, at the time the Museum acquired possession of the Clan Hat from the Tlingit Teeyhíttaan Clan, the transferor consented to transfer possession, the transferor's consent was voluntary, and the transferor had the authority to alienate the Clan Hat to the Museum.

Findings of Fact: Five Review Committee members participated in the fact finding. Two of the Review Committee members were self-recused. By a vote of five to zero, the Review Committee found that the Alaska State Museum had not proved by a preponderance of the evidence that the Museum has the right of possession to the Clan Hat. In addition, the Review Committee made specific findings related to the transferor's consent to transfer possession of the Clan Hat, the voluntariness of the transferor's consent, and the authority of the transferor to alienate the Clan Hat to the Alaska State Museum. By a vote of five to zero, the Review Committee found that the Alaska State Museum had proved, more likely than not, that the conveyor of the Clan Hat to the Alaska State Museum had consented to transfer possession of the Clan Hat to the Museum. By a vote of three to one (there was one abstention), the Review Committee found that the Alaska State Museum had not proved, more likely than not, that the consent of the conveyor to transfer possession of the Clan Hat to the Alaska State Museum was voluntary. By a vote of four to zero (there was one abstention), the Review Committee found that the Alaska State Museum had not proved, more likely than not, that the Indian tribe culturally affiliated with the Clan Hat explicitly authorized the conveyor of the Clan Hat to separate the Clan Hat from the tribe. Finally, by a vote of four to zero (there was one abstention), the Review Committee found that the Alaska State Museum had not proved, more likely than not, that the Indian tribe culturally affiliated with the Clan Hat intended to give the conveyor of the Clan Hat the authority to separate the Clan Hat from the tribe.

Dated: November 7, 2012.

Mervin Wright, Jr.,

Acting Chair, Native American Graves Protection and Repatriation Review Committee.

[FR Doc. 2013–01314 Filed 1–23–13; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–538]

Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2012 Review: Additions and Competitive Need Limitation Waivers; Institution of Investigation and Scheduling of Hearing

AGENCY: United States International Trade Commission.

ACTION: Notice of institution of investigation and scheduling of public hearing.

SUMMARY: Following receipt of a request on January 8, 2013, from the United States Trade Representative (USTR), the U.S. International Trade Commission (Commission) instituted investigation No. 332–538, *Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2012 Review: Additions and Competitive Need Limitation Waivers,* for the purpose of providing advice as to the probable economic effect of the addition of certain products to the list of items eligible for duty-free treatment under the U.S. GSP program and providing certain advice regarding the effect of a waiver of the competitive need limitations under the program for certain countries and articles.

DATES: February 11, 2013: Deadline for filing requests to appear at the public hearing.

February 13, 2013: Deadline for filing pre-hearing briefs and statements.

February 27, 2013: Public hearing.

March 4, 2013: Deadline for filing post-hearing briefs and statements.

March 4, 2013: Deadline for filing all other written submissions.

April 8, 2013: Transmittal of Commission report to the United States Trade Representative.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Alberto Goetzl, Project Leader, Office of Industries (202–205–3323 or *alberto.goetzl@usitc.gov*), Katherine Baldwin, Deputy Project Leader, Office of Industries (202–205–3396 or *katherine.baldwin@usitc.gov*), or Cynthia B. Foreso, Technical Advisor, Office of Industries (202–205–3348 or *cynthia.foreso@usitc.gov*). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov).* Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site *(http://www.usitc.gov).* Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: In accordance with sections 503(a)(1)(A), 503(e), and 131(a) of the Trade Act of 1974, and pursuant to the authority of the President delegated to the USTR by sections 4(c) and 8(c) and (d) of Executive Order 11846 of March 31, 1975, as amended, and pursuant to section 332(g) of the Tariff Act of 1930, the USTR has requested that the Commission provide advice as to the probable economic effect on U.S. industries producing like or directly competitive articles, on U.S. imports, and on U.S. consumers of the elimination of U.S. import duties on the following articles for all beneficiary developing countries under the GSP program: sweetheart, spray and other roses, fresh cut (HTS 0603.11.00 or 0603.11.0010, 0603.11.0030, 0603.11.0060); vegetables nesi, uncooked or cooked by steaming or boiling in water, frozen, reduced in size or the 3 existing 10-digit lines for broccoli (HTS 0710.80.97 or 0710.80.9722, 0710.80.9724, 0710.80.9726); artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (HTS 2005.99.80); refined copper, wire, w/maximum cross-sectional dimension of 6 mm or less (HTS 7408.19.0030).

The USTR has also requested, under authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, and in accordance with section 503(d)(1)(A) of the Trade Act of 1974, that the Commission provide advice on whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limitation specified in section 503(c)(2)(A) of the Trade Act of 1974 for the following countries and HTS subheadings (articles): Indonesia for HTS 0410.00.00 (edible products of animal origin, not elsewhere specified or included); Thailand for HTS 0603.13.00 (orchids: cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared); Thailand for HTS 1102.90.25 (rice flour); Thailand for HTS 2106.90.99 (food preparations not elsewhere specified or included, not canned or frozen); Indonesia for HTS 6911.10.37 (porcelain or china (o/than bone china) household table and kitchenware in sets in which aggregate value of arts./US note 6(b) o/$56 n/o $200); Russia for HTS 7202.21.50 (ferrosilicon containing by weight more than 55% but not more than 80% of silicon, nesoi); Georgia for HTS 7202.30.00 (ferrosilicon manganese); Brazil for HTS 7202.99.20 (calcium silicon ferroalloys); India for HTS 7307.21.50 (stainless steel, not cast, flanges for tubes/pipes, not forged or forged and machined, tooled and otherwise processed after forging); India for HTS 7307.91.50 (iron or steel (o/than stainless), not cast, flanges for tubes/pipes, not forged or forged and machined, tooled and processed after forging); Thailand for HTS 7408.29.10 (copper wire, coated or plated with metal); and Thailand for HTS 9506.70.40 (ice skates w/footwear permanently attached).

With respect to the waiver of the competitive need limitation, the USTR also requested that the Commission provide its advice with respect to whether like or directly competitive products were being produced in the United States on January 1, 1995; that the Commission provide its advice as to the probable economic effect on total U.S. imports, as well as on consumers, of the requested waivers; and, with respect to the competitive need limit in section 503(c)(2(A)(i)(I) of the Trade Act of 1974, that the Commission use the dollar value limit of $155,000,000.

As requested by USTR, the Commission will provide its advice by April 8, 2013. The USTR indicated that those sections of the Commission's report and related working papers that contain the Commission's advice will be classified as ''confidential,'' and that USTR considers the Commission's report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on February 27, 2013. Requests to appear at the public hearing should be filed with the Secretary, no later than 5:15 p.m., February 11, 2013, in accordance with the requirements in the ''Submissions'' section below. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., February 13, 2013; and all post-hearing briefs and statements should be filed not later than 5:15 p.m., March 4, 2013.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., March 4, 2013. All written submissions must conform with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties. The Commission may include in the report it sends to the President and the USTR some or all of the confidential business information it receives in this investigation.

The USTR has asked that the Commission make available a public version of its report shortly after it sends its report to the President and the USTR, with any classified or privileged information deleted. Any confidential business information received in this investigation and used in the preparation of the report will not be published in the public version of the report in such manner as would reveal the operations of the firm supplying the information.

Issued: January 18, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–01389 Filed 1–23–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–804]

Certain Led Photographic Lighting Devices and Components Thereof; Commission's Final Determination Finding a Violation of Section 337; Issuance of a General Exclusion Order; Termination of Certain Respondents Based on Consent Order; Issuance of Consent Order; and Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in this investigation and has issued a general exclusion order prohibiting importation of infringing LED photographic lighting devices and components thereof. The Commission has also determined to terminate certain respondents on the basis of a consent order stipulation, and has issued a consent order.

FOR FURTHER INFORMATION CONTACT: Amanda S. Pitcher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 7, 2011, based on a complaint filed by Litepanels, Inc. and Litepanels, Ltd. (collectively, ''Litepanels''). 76 FR 55416 (Sept. 7, 2011). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe certain claims of U.S. Patent Nos. 7,429,117 (later terminated from the investigation); 7,510,290 (later terminated from the investigation); 7,972,022 (''the '022 patent''); 7,318,652 (''the '652 patent''); and 6,948,823 (''the '823 patent''). *Id.* The Notice of Institution named respondents Flolight, LLC. (''Flolight''), of Campbell, California; Prompter People, Inc. (''Prompter'') of Campbell, California; Ikan Corporation (''Ikan''), of Houston, Texas; Advanced Business Computer Services, LLC d/b/a Cool Lights, USA (''CoolLights'') of Reno, Nevada; Elation Lighting, Inc. of Los Angeles, California (''Elation''); Fuzhou F&V Photographic Equipment Co., Ltd. (''F&V''), of Fujian, China; Fotodiox, Inc. of Waukegan, Illinois, Yuyao Lishuai Photo-Facility Co., Ltd. of Zhejiang Province, China, Yuyao Fotodiox Photo Equipment Co., Ltd. of Zhejiang Province, China, and Yuyao Lily Collection Co., Ltd. of Yuyao, China (collectively the ''Fotodiox respondents''); Shantou Nanguang Photographic Equipment Co., Ltd. (''Nanguang''), of Guangdong Province, China; Visio Light, Inc. (''Visio''), of Taipei, Taiwan; Tianjin Wuqing Huanyu Film and TV Equipment Factory of Tianjin, China (''Tianjin''); and Stellar Lighting Systems (''Stellar''), of Los Angeles, California. *Id.* A Commission Investigative Attorney (''IA'') of the Office of Unfair Import Investigations also participated in this investigation.

Visio, Nanguang, and F&V were terminated based on entry of consent orders, Elation was terminated based upon a settlement agreement and Tianjin was found in default. *See* Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Respondent Visio Light, Inc. Based on Entry of Consent Order; Issuance of Consent Order (December 2, 2011); *See* Notice of Commission Determination to Review an Initial Determination Finding Respondent Tianjin Wuquing Huanyu Film and TV Equipment Factory in Default (January 17, 2012); Notice of Commission Determination Not to Review an Initial Determination Terminating Respondent Elation Lighting, Inc. from the Investigation (March 2, 2012); Commission

Determination Not to Review an Initial Determination Terminating the Investigation as to Fuzhou F&V Photographic Equipment Co., Ltd. and Shantou Nanguang Photographic Equipment Co., Ltd. Based on Entry of a Consent Order (July 26, 2012).

On November 16, 2012, complainants Litepanels, and the Fotodiox respondents and Ikan (collectively ''Consenting Respondents'') filed a joint motion to terminate the investigation based on a consent order stipulation and proposed consent order. At the time the parties filed the joint motion, the investigation was under review by the Commission and no longer before the ALJ. The IA filed a response that was generally in support of the motion, but included an objection to specific language in the consent order. In response to the IA's objection, the parties submitted a revised proposed consent order on November 30, 2012. The stipulation and consent order satisfied the IA's objection. Litepanels and the Consenting Respondents assert that the consent order and consent order stipulation do not impose any undue burden on the public health and welfare, competitive conditions in the United States economy, the product of like or directly competitive articles in the United States or to United States consumers. We are not aware of any adverse impact that termination of the investigation as to the Consenting Respondents would have on the public interest. In addition, termination of the investigation as to the Consenting Respondents, as proposed in the motion, is generally in the public interest. Accordingly, the Commission grants the joint motion to terminate the Consenting Respondents and issues a consent order. The remaining respondents are Flolight, Prompter, Cool Lights and Stellar.

On September 7, 2012, the Administrative Law Judge (''ALJ'') issued his Final Initial Determination (''ID''), finding a violation of section 337. The ALJ held that a violation occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe one or more of claims 1, 57–58, and 60 of the '022 patent; claims 1, 2, 5, 16, 18, 19, 25 and 27 of the '652 patent; and claim 19 of the '823 patent. ID at ii. The ALJ further held that no violation of section 337 occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LED photographic lighting devices and components thereof that infringe claims 17 and 28 of the '823 patent because claims 17 and 28 are invalid as anticipated. *Id.* at ii, 81.

On September 24, 2012, Litepanels, the IA and the Respondents petitioned for review of the ID. On October 2, 2012, the parties filed responses to the various petitions.

On November 13, 2012, the Commission determined to review the ID in part and requested briefing on the issues under review, and on remedy, the public interest and bonding. 77 FR 69499–500 (November 19, 2012). The issues reviewed include: (1) The ALJ's determination that the preambles of the asserted independent claims of the '652 patent, the '823 patent and the '022 patent were not limitations and his alternative construction of the preambles; (2) the ALJ's findings of infringement; (3) the ALJ's findings of obviousness and anticipation; (4) the ALJ's construction of the limitation of ''an integrated power source'' of claim 17 of the '823 patent; and (5) the ALJ's findings on the technical prong of domestic industry as related to the asserted patents. *Id.* The parties filed written submissions and replies regarding the issues under review, and remedy, the public interest, and bonding. The Notice of Review also sought briefing from the parties and the public regarding five questions relating to the public interest. On December 18, 2012, Litepanels filed a Conditional Motion to Strike or Reply to Respondents Reply Brief In Response to the Commission's Notice. On December 27, 2012, Respondents filed a ''Response to Complainants' Conditional Motion to Strike or Reply to Respondents' Reply Brief in Support of the Commission's Notice.'' The Commission has determined to deny Litepanels' motion.

Having examined the record of this investigation, including the ALJ's final ID, and the parties' and public submissions, the Commission has determined that there is a violation of section 337 with respect to the '022 and '652 patents. The Commission has also determined to reverse the ALJ's finding of a violation based on the '823 patent because the only claim of the '823 patent that Litepanels alleges is practiced by the domestic industry products (*i.e.,* claim 17) is found to be invalid. The Commission has determined to reverse the ALJ and find that the preambles of the asserted patents are limitations and should be construed based on their plain and ordinary meaning. The Commission affirms the ALJ's findings on modified grounds to find: (1) That the ''integrated power source'' limitation of claim 17 of the '823 patent is construed so that it is not restricted to the battery housing, and may include, but is not limited to, the battery and/or battery housing; (2) that the asserted independent claims of the '652 patent, '823 patent and the '022 patent are infringed; (3) that claims 17 and 28 of the '823 patent are invalid as anticipated; (4) that the asserted claims of the '652 and '022 patents are not invalid; and (5) that the technical prong of domestic industry is met for the '022 and '652 patents and with respect to the '823 patent, that the elements of claim 17 of the '823 patent are practiced by the domestic industry products but finds that Litepanels has not proven that a valid patent claim is practiced by the domestic industry products. As part of the Commission's findings on anticipation and obviousness, the Commission takes no positions on a few limitations as set forth in our accompanying opinion. The Commission adopts the remaining findings of the ALJ, including that the asserted dependent claims of the '652 patent, the '022 patent, and the '823 patent are infringed and that claim 19 of the '823 patent is not invalid.

The Commission has further determined that the appropriate remedy is a general exclusion order prohibiting from entry LED photographic lighting devices and components thereof that infringe claims 1, 57, 58, and 60 of the '022 patent and claims 1–2, 5, 16,18–19, 25, and 27 of the '652 patent. The Commission has determined that the public interest factors enumerated in section 337(d) (19 U.S.C. 1337(d)) do not preclude issuance of the general exclusion order. Finally, the Commission has determined that a bond in the amount of 43 percent of the entered value is required to permit temporary importation during the period of Presidential review (19 U.S.C. 1337(j)) of LED photographic lighting devices and components thereof that are subject to the order. The Commission's order and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42–46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46 and 210.50).

Issued: January 17, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–01374 Filed 1–23–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On January 17, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Utah in the lawsuit captioned *United States* v. *Edge Products, L.L.C.,* Civil Action No. 1:13–cv–00010TS .

Edge Products, L.L.C. is an aftermarket motor vehicle parts manufacturer located in Ogden, Utah. In the Complaint, filed on January 17, 2013, on behalf of the Environmental Protection Agency (''EPA''), the United States alleges that Edge violated the Clean Air Act by manufacturing and selling aftermarket motor vehicle devices that were designed to hinder or disable required emission controls on certain model year 2007 and later heavy duty diesel trucks. The manufacture and sale of such devices for use on motor vehicles is prohibited by Section 203(a)(3)(B) of the Clean Air Act, 42 U.S.C. 7522(a)(3)(B).

The proposed Consent Decree, lodged on January 17, 2013, resolves the allegations in the Complaint. The terms of the Consent Decree include a prohibition on the manufacture and sale of specified devices; a recall and reimbursement program intended to get the devices off of vehicles and to keep them out of the stream of commerce; a wood-stove replacement project designed to mitigate the harm from the estimated 158 tons of excess particulate emissions EPA attributed to the use of the devices; and a civil penalty of $500,000. The amount of the civil penalty is based on the United States' evaluation of Edge's ability to pay a penalty.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Edge Products, L.L.C.,,* D.J. Ref. No. 90–5–2–1–10425. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	pubcomment-ees.enrd@usdoj.gov.
By mail	Assistant Attorney General U.S. DOJ—ENRD P.O. Box 7611 Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $12.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Karen Dworkin,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–01387 Filed 1–23–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Notice of Special Enrollment Rights Under Group Health Plans

Correction

In notice document 2012–30878, appearing on page 76073, in the issue of Wednesday, December 26, 2012, make the following correction:

In the first column, under the heading **DATES**, in the second line, ''January 23, 2013'' should read ''January 25, 2013''.

[FR Doc. C1–2012–30878 Filed 1–23–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF LABOR

Employee Benefits Security Administration

165th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 165th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on March 1, 2013.

The meeting will take place in C5521 Room 4, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. The purpose of the open meeting, which will run from 1:30 p.m. to approximately 4:30 p.m. Eastern Standard Time, is to welcome the new members, introduce the Council Chair and Vice Chair, receive an update from the Assistant Secretary of Labor for the Employee Benefits Security Administration, and determine the topics to be addressed by the Council in 2013.

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before February 21, 2013 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in text or pdf format transmitted to *good.larry@dol.gov.* It is requested that statements not be included in the body of the email. Statements deemed relevant by the Advisory Council and received on or before February 21, 2013 will be included in the record of the meeting and available in the EBSA Public Disclosure room. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary by email or telephone (202–693–8668). Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by February 21, 2013.

Signed at Washington, DC this 17th day of January 2013.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2013–01393 Filed 1–23–13; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

Open Government Initiative: Implementation of the iCERT Labor Certification Registry for the H–1B, H–1B1, E–3, H–2A, H–2B and Permanent Labor Certification Employment-Based Immigration Programs

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration (ETA) is announcing a new initiative to make available to the general public appropriately redacted copies of H–1B, H–1B1, E–3, H–2A, H–2B and permanent labor certification documents through its iCERT Visa Portal System. This new online tool, formally called the *iCERT Labor Certification Registry* (LCR), is a component of the Department of Labor's Open Government initiative and provides an additional level of transparency for the labor certification decisions issued by the ETA Office of Foreign Labor Certification (OFLC). The iCERT LCR provides searchable access to copies of labor certification documents and labor condition application documents as well as the latest quarterly and annual case file datasets through a single location. Public access to the iCERT LCR will be available at *http://icert.doleta.gov* beginning July 1, 2013.

DATES: Effective July 1, 2013.

FOR FURTHER INFORMATION CONTACT: For further information, contact William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, ETA, U.S. Department of Labor, 200 Constitution Avenue NW., Room C–4312, Washington, DC 20210; Telephone (202) 693–3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

For technical issues related to the Department's implementation of the labor certification registry, please contact the iCERT Visa Portal System Team, Office of Foreign Labor Certification (OFLC) by email at *oflc.portal@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Immigration and Nationality Act (INA) assigns specific responsibilities to the U.S. Secretary of Labor for the administration of certain employment-based immigration programs that require either a labor certification or, in the case of an H–1B, H–1B1, or E–3 visa, a labor condition application (LCA). These statutory responsibilities include, in the case of labor certifications, determining whether there are able, willing, and qualified U.S. workers for a position for which certification is requested and whether there would be any adverse impact on similarly employed U.S. workers should labor certification be granted. Statutory and regulatory provisions require all employers seeking a labor certification for either permanent or temporary nonimmigrant labor to first apply to the Secretary of Labor for certification or for an LCA. The Secretary has delegated the responsibilities for the administration of these programs to the Employment and Training Administration's (ETA) Office of Foreign Labor Certification (OFLC). Foreign labor certification programs have as a primary responsibility the review of employer-filed applications requesting the Secretary of Labor's certification to ensure that the hiring of a foreign worker will not adversely impact the wages and working conditions of U.S. workers, and that no qualified U.S. workers are willing or available to fill a given vacancy.

As a component of the Department of Labor's (the Department) Open Government initiative, the OFLC is implementing a new Labor Certification Registry (LCR) through its iCERT Visa Portal System that provides the general public access to appropriately redacted copies of labor certification documents issued to employers in the H–1B, H–1B1, E–3, H–2A, H–2B and permanent labor certification programs. The iCERT LCR provides the public with a single, easy to search, location to the OFLC's labor certification and LCA documents as well as the office's latest quarterly and annual case disclosure data. Public release of these documents and data provides an additional level of transparency while respecting any personally identifiable information. OFLC has taken steps to ensure that private, sensitive, or legally protected information will be redacted, as appropriate.

This initiative is in compliance with the Privacy Act, the Trade Secrets Act and the Confidential Information Protection and Statistical Efficiency Act. We have taken steps to ensure that appropriate information will be redacted in connection with the Department's responsibilities, or potential responsibilities, pursuant to these statutes. This information will change depending upon the form, but will include data such as the Federal Employer Identification Number (FEIN) of the employer, revenue reported by the employer, and the name, address and class of admission of the foreign worker.

Prior to this public database becoming available, access to OFLC labor certification and LCA documents typically required submitting a Freedom of Information Act (FOIA) request directly to the Department and waiting for a response. For the first time, the iCERT LCR will provide the general public with real-time access to appropriately redacted copies of current and historical labor certification and LCA documents that are searchable across a series of common data points. OFLC anticipates that public access to labor certification and LCA documents through the iCERT LCR will significantly reduce the need for individuals to request and obtain such documents through the Department's FOIA process.

II. Labor Certification Registry Availability and Functional Components

Public access to the LCR will be available through the iCERT Visa Portal System at *http://icert.doleta.gov.* The public will not be required to create an iCERT system account in order to access documents and information contained on the registry. All documents placed on the LCR (e.g., ETA 9142, ETA 9035E) will be accessible in either Adobe Portable Document Format (PDF) or HyperText Markup Language (HTML) format and contain certain information from official labor certifications and LCAs issued by the OFLC. The iCERT LCR will not, however, disclose data or information subject to privacy, security, or privilege limitations.

The functional components of the iCERT LCR are built upon and fully integrated with the iCERT H–2A Public Job Registry, which was released on July 1, 2010, as part of the Department's implementation of the H–2A 2010 Final Rule and will provide the public with the following functional features:

- An interactive map of U.S. states and territories displaying all labor certification and LCA documents posted within the last 30 calendar days;
- A ''quick search'' feature from the main home page allowing users to execute basic queries along a common set of data points including the ETA case number, visa classification, employer name, job title, industry, state or territory, zip code radius, and posting date range;
- An advanced search feature allowing users to conduct more detailed

searches based on occupations, industries, education and training, range of wage offers, worker positions requested, and dates of employment;

• Easy-to-understand search results displayed in a table format with sortable column headings, select data points to further filter the search results, and quick links to view or download the document in either redacted Adobe PDF or HTML format;

• Access to OFLC's latest program annual and quarterly performance reports and case file datasets in easily accessible formats for performing more in-depth longitudinal statistical research and analysis; and

• Access to important social media platforms for users to stay connected to the Department's Open Government initiative and provide meaningful feedback.

Initially, the iCERT LCR will provide the public with access to appropriately redacted copies of H–1B, H–1B1, E–3, H–2A, H–2B and permanent labor certification documents issued by the OFLC on or after April 15, 2009; the date on which the iCERT Visa Portal System was implemented. Beginning July 1, 2013, the iCERT LCR will post for public access all labor certification documents no later than 2 business days after the official decision is rendered.

III. Help Desk

Those members of the public needing technical assistance accessing or searching the Labor Certification Registry should direct requests to the iCERT System Team, OFLC, at *oflc.portal@dol.gov,* and include ''Labor Certification Registry—Technical Assistance'' in the subject line of the email.

Signed in Washington, DC, this 14th day of January 2013.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2013–01406 Filed 1–23–13; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed reinstatement, with change, of a previously approved collection for which approval has expired collection of the ''National Longitudinal Survey of Youth 1997.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section below on or before March 25, 2013.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The National Longitudinal Survey of Youth 1997 (NLSY97) is a nationally representative sample of persons who were born in the years 1980 to 1984. These respondents were ages 12–17 when the first round of annual interviews began in 1997; starting with round sixteen, the NLSY97 will be conducted on a biennial basis. Round sixteen interviews will occur from September 2013 to May 2014. The Bureau of Labor Statistics (BLS) contracts with the National Opinion Research Center (NORC) at the University of Chicago to conduct the NLSY97. The primary objective of the survey is to study the transition from schooling to the establishment of careers and families. The longitudinal focus of this survey requires information to be collected from the same individuals over many years in order to trace their education, training, work experience, fertility, income, and program participation.

One of the goals of the Department of Labor (DOL) is to produce and disseminate timely, accurate, and relevant information about the U.S. labor force. The BLS contributes to this goal by gathering information about the labor force and labor market and disseminating it to policymakers and the public so that participants in those markets can make more informed, and thus more efficient, choices. Research based on the NLSY97 contributes to the formation of national policy in the areas of education, training, work experience, fertility, income, and program participation. In addition to the reports that the BLS produces based on data from the NLSY97, members of the academic community publish articles and reports based on NLSY97 data for the DOL and other funding agencies. To date, approximately 266 articles examining NLSY97 data have been published in scholarly journals. The survey design provides data gathered from the same respondents over time to form the only dataset that contains this type of information for this important population group. Without the collection of these data, an accurate longitudinal dataset could not be provided to researchers and policymakers, thus adversely affecting the DOL's ability to perform its policy- and report-making activities.

II. Current Action

The BLS seeks approval to conduct round 16 of annual interviews of the NLSY97. Respondents to the NLSY97 will undergo an interview of approximately 61 minutes during which they will answer questions about schooling and labor market experiences, family relationships, and community background.

During the fielding period for the main round 16 interviews, about 2 percent of respondents will be asked to participate in a brief validation interview a few weeks after the initial interview. The purpose of the validation interview is to verify that the initial interview took place as the interviewer reported and to assess the data quality of selected questionnaire items.

The BLS plans to record randomly selected segments of the main interviews during round 16. Recording interviews helps the BLS and NORC to ensure that the interviews actually took place and interviewers are reading the questions exactly as worded and entering the responses properly. Recording also helps to identify parts of the interview that might be causing problems or misunderstanding for interviewers or respondents. Each respondent will be informed that the

interview may be recorded for quality control, testing, and training purposes. If the respondent objects to the recording of the interview, the interviewer will confirm to the respondent that the interview will not be recorded and then proceed with the interview.

The round 16 questionnaire will resemble the round 15 questionnaire with few modifications. Some of the modifications have been made because the interview will be conducted biennially rather than annually. The round 16 questionnaire will include questions about whether the respondent's parents owned a business, served a prison sentence or served in the military. A short section on childcare will be asked. Additional income questions on the Earned Income tax credit (EITC) and whether a spouse or partner received income from worker's compensation. A series of questions on personality traits will also be added in round 16. Personality traits will include task completion, pursuit of goals, diligence, hard work, dealing with setbacks, focus, and distractibility. These questions will allow researchers to measure non-cognitive skills which may be important measures of labor market success.

Round 16 will include a trial Internet collection of selected information used to locate respondents for interviews. Approximately 20 percent of the sample will be offered the opportunity to participate. The purpose of the trial is to determine whether Internet collection yields information of higher quality when compared to the current method of collecting the information as part of the interview. The Internet trial also will be used to assess respondent acceptance of Internet collection generally and whether such collection can reduce respondent burden without reducing the quality of the survey information.

As in prior rounds of the NLSY97, round 16 will include a pretest conducted several months before the main fielding to test survey procedures and questions and resolve problems before the main fielding begins.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired collection.

Agency: Bureau of Labor Statistics.

Title: National Longitudinal Survey of Youth 1997.

OMB Number: 1220–0157.

Affected Public: Individuals or households.

Form	Total respondents	Frequency	Total responses	Average time per response (minutes)	Estimated total burden (hours)
NLSY97 Pretest June–July	150	One-time	150	61	152.5
NLSY97 R16 advance web test June–July 2013	1,000	One-time	1,000	10	166.7
Main NLSY97: September 2013–May 2014	7,400	One-time	7,400	61	7,523.3
Validation interview: October 2013–June 2014	147	One-time	147	4	9.8
*TOTALS**	*7,550*		*8,697*		*7,852*

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 17th day of January 2013.

Eric Molina,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2013–01392 Filed 1–23–13; 8:45 am]

BILLING CODE 4510–24–P

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

Sunshine Act Meetings

TIME AND DATE: 9:00 a.m. to 5:00 p.m., Thursday, February 7, 2013.

PLACE: Westward Look Wyndham Grand Resort & Spa, 245 E. Ina Road, Tucson, Arizona 85704.

STATUS: This special meeting of the Board of Trustees will be open to the public, unless it is necessary for the Board to consider items in executive session.

MATTERS TO BE CONSIDERED: (1) Minutes of the November 9, 2012, Board of Trustees Meeting; (2) Election of Officers of the Board; (3) Election of Executive Committee Members; (4) Allocation of operating costs between the Morris K. Udall and Stewart L. Udall Trust Fund and the Environmental Dispute Resolution Fund; (5) PIF Fund, Inc., Cooperating Organization Agreement; (6) Final report of the Organizational Development Consultants; (7) Discuss the Final Report of the Organizational Development Consultants; (8) Review Personnel Matters; (9) Review the findings and recommendations from the U.S. Department of the Interior's Inspector General regarding the Udall Foundation audit; and (10) Possible action on the Organizational Development Consultants Report recommendations.

PORTIONS OPEN TO THE PUBLIC: All agenda items except as noted below.

PORTIONS CLOSED TO THE PUBLIC: Executive session to discuss the final report of the Organizational Development Consultants, review personnel matters, and review the findings and recommendations from the U.S. Department of the Interior's Inspector General regarding the Udall Foundation audit.

CONTACT PERSON FOR MORE INFORMATION: Philip J. Lemanski, Acting Executive Director, 130 South Scott Avenue, Tucson, AZ 85701, (520) 901–8500.

Dated: January 15, 2013.

Philip J. Lemanski,

Acting Executive Director, Morris K. Udall and Stewart L. Udall Foundation, and Federal Register Liaison Officer.

[FR Doc. 2013–01182 Filed 1–23–13; 8:45 am]

BILLING CODE 6820–FN–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts Advisory Panel Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that one meeting of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC, 20506 as follows (ending time is approximate):

Media Arts (application review): By teleconference. This meeting will be closed.

DATES: February 12, 2013; 2:00 p.m. to 3:00 p.m. EST.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506; *plowitzk@arts.gov* or call 202/682–5691.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Dated: January 18, 2013.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2013–01391 Filed 1–23–13; 8:45 am]

BILLING CODE 7537–01–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

DATES AND TIMES: Thursday, February 7, 2013, at 10:00 a.m.; and Friday, February 8, at 8:30 a.m. and 10:30 a.m.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza SW., in the Benjamin Franklin Room.

STATUS: Thursday, February 7 at 10:00 a.m.—Closed; Friday, February 8 at 8:30 a.m.—Open; and at 10:30 a.m.—Closed.

MATTERS TO BE CONSIDERED:

Thursday, February 7, at 10:00 a.m. (Closed)

1. Strategic Issues.
2. Financial Matters.
3. Pricing.
4. Personnel Matters and Compensation Issues.
5. Governors' Executive Session—Discussion of prior agenda items and Board Governance.

Friday, February 8 at 8:30 a.m. (Open)

1. Approval of Minutes of Previous Meetings.
2. Remarks of the Chairman of the Board.
3. Remarks of the Postmaster General and CEO.
4. Appointment of Committee Members and Committee Reports.
5. Quarterly Report on Financial Performance.
6. Quarterly Report on Service Performance.
7. Tentative Agenda for the April 9, 2013, meeting in Washington, DC

Friday, February 8 at 10:30 a.m. (Closed—If Needed)

1. Continuation of Wednesday's closed session agenda.

CONTACT PERSON FOR MORE INFORMATION: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

Julie S. Moore,

Secretary.

[FR Doc. 2013–01482 Filed 1–22–13; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68678; File No. SR–NYSE–2013–02]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Adopting Investigation, Disciplinary, Sanction, and Other Procedural Rules That Are Modeled on the Rules of the Financial Industry Regulatory Authority and To Make Certain Conforming and Technical Changes

January 16, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 4, 2013, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt investigation, disciplinary, sanction, and other procedural rules that are modeled on the rules of the Financial Industry Regulatory Authority (''FINRA'') and to make certain conforming and technical changes. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt investigation, disciplinary, sanction, and other procedural rules that are modeled on the rules of FINRA and to make certain conforming and technical changes.

Background and General Description of Proposed Rule Change

On July 30, 2007, the National Association of Securities Dealers, Inc. (''NASD''), the Exchange, and NYSE Regulation, Inc. (''NYSER'') consolidated their member firm regulation operations into a combined organization, FINRA, and entered into a plan to allocate to FINRA regulatory responsibility for common rules and common members (''17d–2 Agreement'').[4] The 17d–2 Agreement was entered into in accordance with the requirements of Rule 17d–2 of the Securities and Exchange Commission (''SEC'' or ''Commission''),[5] which permits self-regulatory organizations (''SROs'') to allocate regulatory responsibilities with respect to common members and common rules. In 2007, the parties also entered into a Regulatory Services Agreement (''RSA''), whereby FINRA was retained to perform certain regulatory services on behalf of NYSER for non-common rules. On June 14, 2010, the Exchange, NYSER, and FINRA amended the RSA and retained FINRA to perform the market surveillance and enforcement functions that had previously been performed by NYSER up to that point.[6] Accordingly, since June 14, 2010, FINRA has been performing all enforcement-related regulatory services on behalf of NYSER, including disciplinary proceedings relating to NYSE-only rules or against both dual members and non-FINRA members.

To facilitate FINRA's performance of these enforcement functions under the RSA and to further harmonize the rules of FINRA and NYSE generally, NYSE is proposing to adopt the text of the FINRA Rule 8000 Series and Rule 9000 Series, which set [sic] forth rules for conducting investigations and enforcement actions, with certain modifications that are described below.

The Exchange notes that most of its member organizations are members of FINRA and as such are already subject to the FINRA Rule 8000 Series and Rule 9000 Series. Those member organizations that are not members of FINRA are members of The NASDAQ Stock Market (''NASDAQ''), which has similar disciplinary rules to FINRA and thus are also already subject to such rules. Thus, all Exchange members, by virtue of their membership either in FINRA or NASDAQ, are already subject to the FINRA rules described herein.[7]

Current NYSE Rules 475–477

This section sets forth a summary of NYSE's current disciplinary rules.[8] These rules include NYSE Rule 475, which describes summary disciplinary proceedings; NYSE Rule 476, which describes initial disciplinary proceedings and appeals; NYSE Rule 476A, which addresses the imposition of minor rule violation sanctions; and NYSE Rule 477, which addresses retention of jurisdiction by the Exchange.

Current NYSE Rule 475—Summary Proceedings

NYSE Rule 475 sets forth summary procedures under which the Exchange may prohibit or limit access to services. Under Rule 475(a), except as otherwise provided in Rule 475(b), the Exchange may not prohibit or limit any person with respect to access to services offered by the Exchange or any member or member organization thereof unless the Exchange has provided 15 days' prior written notice of, and an opportunity to be heard upon, the specific grounds for such prohibition or limitation. The Exchange must keep a record of any such proceeding. Any determination by the Exchange to prohibit or limit access to services must be supported by a statement setting forth the specific grounds for the prohibition or limitation.

Under NYSE Rule 475(b), the Exchange may summarily suspend persons subject to its jurisdiction that have been expelled or suspended by another SRO, or barred or suspended from being associated with a member or any such SRO, as long as any such summary suspension imposed by the Exchange does not exceed the termination of the suspension imposed by the other SRO. The Exchange also may suspend a member or member organization that is in such financial or operating difficulty that the Exchange determines, and so notifies the SEC, that the member or member organization cannot be permitted to continue to do business with safety to investors, creditors, other members or member organizations, or the Exchange. The Exchange also may limit or prohibit any person with respect to access to Exchange services if such person has been summarily suspended under this rule or, in the case of a person who is not a member or member organization, if the Exchange determines that such person does not meet the qualification requirements or other prerequisites for such access and such person cannot be permitted to continue to have such access with safety to investors, creditors, members, member organizations, or the Exchange.

Any person subject to summary action must receive written notice and an opportunity to be heard by the Exchange upon the specific grounds for the action, and the Exchange must keep a record of any summary proceeding. Any determination by the Exchange with respect to such summary action must be supported by a statement setting forth the specific grounds on which the summary action is based. The Commission, by order, may stay any such summary action in accordance with the provisions of the Act.

NYSE Rule 475(c) governs hearings and proceedings pursuant to Rule 475(a) and (b). Hearings are conducted by a Hearing Officer, appointed by the Exchange Board of Directors, acting alone. The Hearing Officer schedules and conducts hearings promptly and, in doing so, provides such discovery to the person whose access or suspension is the subject of such a hearing and to the Exchange officers and employees. The Hearing Officer renders determinations based upon the record at such hearings. The Hearing Officer may modify, reverse, or terminate a summary action, unless within 10 days of such

[4] *See* Securities Exchange Act Release No. 56148 (July 26, 2007), 72 FR 42146 (August 1, 2007) (File No. 4–544) (Notice of Filing and Order Approving and Declaring Effective a Plan for the Allocation of Regulatory Responsibilities).

[5] 17 CFR 240.17d–2.

[6] *See* Securities Exchange Act Release No. 62355 (June 22, 2010), 75 FR 36729 (June 28, 2010) (SR–NYSE–2010–46).

[7] For that reason, the Exchange has included in this filing a general description of current FINRA rules because its members are already subject to and expected to be familiar with them. The Exchange describes in more detail how its proposed rules would differ from FINRA rules and the Exchange's current rules. To further highlight the precise difference between certain of the Exchange's proposed rules and FINRA's current rules, the Exchange has attached as Exhibit 3 a blackline comparing the FINRA Rule 8000–9000 Series as of December 31, 2012 against the Exchange's proposed Rule 8000–9000 Series. The Exchange notes that FINRA has received approval for, but not yet implemented, certain changes to its rules (for example, SR–FINRA–2009–060, which amends FINRA Rule 8210) or may propose further changes to its rules in the future. The Exchange will review each such rule change and determine if a conforming amendment should be made to the NYSE rules.

[8] Where current or proposed NYSE rules or FINRA rules use capitalized terms, descriptions of such rules herein follow those capitalization conventions.

determination, a request for review is filed with the Secretary of the Exchange. Any member of the Exchange Board of Directors, any member of the committee of NYSER to which is delegated the authority to review disciplinary decisions on behalf of the Exchange Board of Directors (''NYSER Committee For Review''), and any Executive Floor Governor and either the Division of the Exchange initiating the proceedings or the respondent may require a review by the Exchange Board of Directors of any determination by the Hearing Officer. The Exchange Board of Directors may affirm, modify, or reverse any such determination, or remand the matter to the Hearing Officer for further proceedings.

Under NYSE Rule 475(d), whenever a member or member organization fails to perform its contracts, becomes insolvent, or is in such financial or operating difficulty that it cannot be permitted to continue to do business as a member or member organization with safety to investors, creditors, other members or member organizations, or the Exchange, such member or member organization must promptly give written notice thereof to the Secretary of the Exchange.

Under NYSE Rule 475(e), any person suspended under the provisions of the rule must, at the request of the Exchange, submit to the Exchange its books and records or the books and records of any employee thereof and furnish information to or to appear or testify before or cause any such employee to appear or testify before the Exchange.

Under NYSE Rule 475(f), any person suspended under Rule 475 may, at any time, be reinstated by the Exchange Board of Directors.

Under NYSE Rule 475(g), any person suspended under Rule 475 may be disciplined in accordance with the Exchange's rules for any offense committed before or after the suspension.

Under NYSE Rule 475(h), a member suspended under Rule 475 is deprived during the term of the suspension of all rights and privileges of membership, and any suspension of a member or allied member creates a vacancy in any office or position held by such member or allied member.

Under NYSE Rule 475(i), the limitations on the Chief Executive Officer (''CEO'') of the Exchange contained in NYSE Rule 476(l) that prohibit the CEO from initiating a call for review apply to all matters under NYSE Rule 475.

Under NYSE Rule 475(j), any member of the Exchange Board of Directors, any member of the NYSER Committee for Review, any Executive Floor Governor, the Division of the Exchange initiating the proceedings, and the respondent may require a review by the Exchange Board of Directors of any determination under Rule 475 by filing with the Secretary of the Exchange a written request thereof within 10 days following such determination. The Exchange Board of Directors shall have the power to affirm, modify, or reverse any such determination, or remand the matter for further proceedings.

Current Rule 476—Disciplinary Proceedings

NYSE Rule 476 governs disciplinary proceedings involving charges against members, member organizations, principal executives, approved persons, employees, or others subject to the Exchange's jurisdiction. Under NYSE Rule 476(a), if such a person is adjudged guilty of certain offenses in a proceeding under NYSE Rule 476, then a Hearing Panel or Hearing Officer may impose disciplinary sanctions on such person, including expulsion; suspension; limitation as to activities, functions, and operations, including the suspension or cancellation of a registration in, or assignment of, one or more stocks; fine; censure; suspension or bar from being associated with any member or member organization; or any other fitting sanction. The list of offenses under NYSE Rule 476(a)(1)–(11) includes, for example, violating an Exchange rule or the Act, making a material misstatement, or engaging in manipulation.

NYSE Rule 476(b) describes the role of Hearing Panels and Hearing Officers. Under NYSE Rule 476(b), all proceedings under NYSE Rule 476, except for matters resolved by a Hearing Officer when authorized by the rule, are conducted at a hearing in accordance with the Rule and held before a Hearing Panel consisting of at least three persons of integrity and judgment: A Hearing Officer, who chairs the Hearing Panel, and at least two members of the Hearing Board, at least one of whom must be engaged in securities activities differing from that of the respondent or, if retired, was so engaged in differing activities at the time of retirement. In any disciplinary proceeding involving activities on the Floor of the Exchange, no more than one of the persons serving on the Hearing Panel may be, or if retired, may have been, active on the Floor of the Exchange. A Hearing Panel may include only one retired person.

The Chairman of the Exchange Board of Directors (''Chairman''), subject to the approval of the Exchange Board of Directors, from time to time appoints a Hearing Board to be composed of persons of integrity and judgment who are members and allied members of the Exchange who are not members of the Exchange Board of Directors, and registered and non-registered employees of members and member organizations, and such other persons as the Chairman deems necessary. Former members, allied members, or registered and non-registered employees of members and member organizations who have retired from the securities industry may be appointed to the Hearing Board within five years of their retirement. The members of the Hearing Board are appointed annually and serve at the pleasure of the Exchange Board of Directors.

The Chairman, subject to the approval of the Exchange Board of Directors, annually designates a Chief Hearing Officer and one or more other Hearing Officers who have [sic] no Exchange duties or functions relating to the investigation or preparation of disciplinary matters. Hearing Officers serve at the pleasure of the Exchange Board of Directors. An individual cannot be a Hearing Officer (including the Chief Hearing Officer) if he or she is, or within the last three years was, a member, allied member, or registered or non-registered employee of a member or member organization.

Under the rule, the decision of a majority of the Hearing Panel is the decision of the Hearing Panel and is final and conclusive, unless a request to the Exchange Board of Directors for review is filed.

NYSE Rule 476(c) governs procedural matters and the conduct of the hearing. Under NYSE Rule 476(c), upon application to the Chief Hearing Officer by either party to a proceeding, the Chief Hearing Officer, or any Hearing Officer designated by the Chief Hearing Officer, resolves any and all procedural and evidentiary matters and substantive legal motions, and may require the Exchange to permit the respondent to inspect and copy documents or records in the possession of the Exchange that are material to the preparation of the defense or are intended for use by the Division of the Exchange initiating the proceeding as evidence in chief at the hearing. The respondent may be required to provide discovery of non-privileged documents and records to the Exchange. The rule does not authorize the discovery or inspection of reports, memoranda, or other internal Exchange documents prepared by the Exchange in connection with the proceeding. There is no interlocutory appeal to the Exchange Board of Directors of any

determination as to which this provision applies.

NYSE Rule 476(d) governs Charge Memorandums, Answers, and motions. Under NYSE Rule 476(d), except as otherwise provided in NYSE Rule 476(g), which governs Stipulations and Consents, the specific charges against the respondent must be in the form of a written statement (a ''Charge Memorandum'') and signed by an authorized officer or employee of the Exchange on behalf of the Division of the Exchange bringing the charges. A copy of such Charge Memorandum must be filed with the Hearing Board at the same time it is served upon the respondent. Service is deemed effective by personal service of such Charge Memorandum, or by leaving the same either at the respondent's last known office address during business hours or respondent's last place of residence as reflected in Exchange records, or upon mailing same to the respondent at such office address or place of residence. The Hearing Board assumes jurisdiction upon receipt of the Charge Memorandum.

A written Answer to the Charge Memorandum must be filed not later than 25 days from the date of service or within such longer period of time as the Hearing Officer may deem proper. The Answer must be signed by or on behalf of the respondent and filed with the Hearing Board, with a copy served on the Division of the Exchange bringing the charges. The Answer must indicate specifically which assertions of fact and charges in the Charge Memorandum are denied and which are admitted, and also contain any specific facts in contradiction of the charges and any affirmative defenses. A general denial is insufficient. Any assertions of fact not specifically denied in the Answer may be deemed admitted and failure to file an Answer may be deemed an admission of any facts asserted in the Charge Memorandum.

The Hearing Board sets a schedule for the filing of motions and establishes hearing dates. If the respondent has failed to file an Answer, the Division of the Exchange bringing the charges, by motion, accompanied by proof of notice to the respondent, may request a determination of guilt by default, and may recommend a penalty to be imposed. If the respondent opposes the motion, the Hearing Officer, on a determination that the respondent had adequate reason to fail to file an Answer, may adjourn the hearing date and direct the respondent to promptly file an Answer. If the default motion is unopposed, or the respondent did not have adequate reason to fail to file an Answer, or the respondent failed to file an Answer after being given an opportunity to do so, the Hearing Officer, on a determination that the respondent has had notice of the charges and that the Exchange has jurisdiction in the matter, may find guilt and determine a penalty.

Notice of the hearing is served upon the Division of the Exchange and the respondent. The respondent is entitled to be personally present. The Hearing Officer determines the specific facts at issue, and with respect to those facts only, both the Division of the Exchange bringing the charges and the respondent may produce witnesses and any other evidence and they may examine and cross-examine any witnesses so produced. After hearing all the witnesses and considering all the evidence, the Hearing Panel determines whether the respondent is guilty of the charges, and if so, may impose a penalty.

NYSE Rule 476(e) concerns the hearing record and time for appeal. Under Rule 476(e), the Exchange must keep a record of any hearing conducted and a written notice of the result served upon the respondent and the Division of the Exchange that brought the charges.

The determination of the Hearing Panel, or of the Hearing Officer on a determination of default, and any penalty imposed, is final and conclusive 25 days after notice has been served upon the respondent, unless a request to the Exchange Board of Directors for review of such determination and/or penalty is filed, in which case any penalty imposed is stayed pending the outcome of such review.

NYSE Rule 476(f) concerns appeals to the Exchange Board of Directors. Under NYSE Rule 476(f), the Division of the Exchange that brought the charges, the respondent, and any member of the Exchange Board of Directors, any member of the NYSER Committee for Review, and any Executive Floor Governor may require a review by the Exchange Board of Directors of any determination or penalty, or both, imposed by a Hearing Panel or Hearing Officer. A written request for review must be filed with the Secretary of the Exchange within 25 days after notice of the determination and/or penalty is served upon the respondent. The Secretary of the Exchange gives notice of any such request for review to the Division of the Exchange that brought the charges and any respondent affected thereby.

Any review by the Exchange Board of Directors is based on oral arguments and written briefs and is limited to consideration of the record before the Hearing Panel or Hearing Officer. Upon review, the Exchange Board of Directors, by majority vote, may sustain any determination or penalty imposed, or both; may modify or reverse any such determination; and may increase, decrease or eliminate any such penalty, or impose any penalty permitted under the provisions of this rule, as it deems appropriate. Unless the Exchange Board of Directors otherwise specifically directs, the determination and penalty, if any, of the Exchange Board of Directors after review is final and conclusive, subject to the provisions for review under the Act.

Notwithstanding the foregoing, if either party upon review applies to the Exchange Board of Directors for leave to adduce additional evidence, and shows to the satisfaction of the Exchange Board of Directors that the additional evidence is material and that there was reasonable ground [sic] for failure to adduce it before the Hearing Panel or Hearing Officer, the Exchange Board of Directors may remand the case for further proceedings, in whatever manner and on whatever conditions the Exchange Board of Directors considers appropriate.

NYSE Rule 476(g) sets forth an alternative Stipulation and Consent procedure that may be used in lieu of the procedures set forth in NYSE Rule 476(d). Under NYSE Rule 476(g), a Hearing Officer acting alone may determine whether a person subject to the Exchange's jurisdiction has committed an offense on the basis of a written Stipulation and Consent entered into between the respondent and any authorized officer or employee of the Exchange. Any such Stipulation and Consent must contain a stipulation with respect to the facts, or the basis for findings of fact by the Hearing Officer; a consent to findings of fact by the Hearing Officer, including a finding that a specified offense had been committed; and a consent to the imposition of a specified penalty.

A Hearing Officer must convene a Hearing Panel if the Hearing Officer requires clarification or further information on the Stipulation and Consent, or if either party requests a hearing before a Hearing Panel. A Hearing Officer, acting alone, may not reject a Stipulation and Consent, but must convene a Hearing Panel to consider such action.

Notice of any hearing held for the purpose of considering a Stipulation and Consent is served upon the respondent as provided in NYSE Rule 476(d). In any such hearing, if the Hearing Panel determines that the respondent has committed an offense, it

may impose the penalty agreed to in such Stipulation and Consent. In addition, a Hearing Panel may reject such Stipulation and Consent.

Such rejection does not preclude the parties to the proceeding from entering into a modified Stipulation and Consent or preclude the Exchange from bringing or presenting the same or different charges to a Hearing Panel in accordance with NYSE Rule 476(d). The Exchange must keep a record of any hearing conducted under this Rule and a written notice of the result setting forth the requirements contained in Section 6(d)(1) of the Act must be served on the parties to the proceeding.

The determination of the Hearing Panel or Hearing Officer and any penalty imposed are final and conclusive 25 days after notice thereof has been served upon the respondent, unless a request to the Exchange Board of Directors for review of such determination and/or penalty is filed, in which case any penalty imposed is stayed pending the outcome of such review.

Any member of the Exchange Board of Directors, any member of the NYSER Committee for Review, and any Executive Floor Governor may require a review by the Exchange Board of Directors of any determination or penalty, or both, imposed by a Hearing Panel or Hearing Officer in connection with a Stipulation and Consent. The respondent or the Division that entered into the Stipulation and Consent may require a review by the Exchange Board of Directors of any rejection of such Stipulation and Consent by the Hearing Panel. A written request for review must be filed with the Secretary of the Exchange within 25 days after notice of the determination and/or penalty is served on the respondent. The Secretary of the Exchange gives notice of any such request for review to the Division of the Exchange involved in the proceeding and any respondent affected thereby.

Any review by the Exchange Board of Directors consists of oral arguments and written briefs and is limited to consideration of the record before the Hearing Panel or Hearing Officer. Upon review, the Exchange Board of Directors, by majority vote, may fix and impose the penalty agreed to in such Stipulation and Consent or any penalty that is less severe than the stipulated penalty, or may remand for further proceedings. Unless the Exchange Board of Directors otherwise specifically directs, the determination and penalty, if any, of the Exchange Board of Directors after review is final and conclusive, subject to the provisions for review under the Act.

NYSE Rule 476(h) concerns legal representation. Under the rule, a person subject to the Exchange's jurisdiction has the right to be represented by legal counsel or other representative in any hearing or review held under Rule 476 and in any investigation before any committee, officer, or employee of the Exchange. A Hearing Officer may impose a fine or any other appropriate sanction on any party or the party's representative for improper conduct in connection with a matter before the Hearing Board, and may, if appropriate, exclude any participant, including any party, witness, attorney or representative from a hearing on the basis of such conduct.

Under NYSE Rule 476(i), a member or allied member of the Exchange who is associated with a member organization is liable to the same discipline and penalties for any act or omission of such member organization as for the member or allied member's own personal act or omission. The Hearing Panel that considers the charges against such member, or allied member, or the Exchange Board of Directors upon any review thereof, may relieve him from the penalty therefor or may remit or reduce such penalty on such terms and conditions as the Hearing Panel or the Exchange Board of Directors deems fair and equitable.

NYSE Rule 476(j) governs suspensions. When a member is suspended under Rule 476, such member is deprived during the term of the member's suspension of all rights and privileges of membership. The expulsion of a member terminates all membership rights and privileges.

NYSE Rule 476(k) addresses non-payment of fines and other sums due to the Exchange. Under this rule, if any approved person or registered or non-registered employee fails to pay any fine within 45 days after the same is payable, such individual may, after written notice mailed to such individual at either the member's office or last place of residence as reflected in Exchange records, be summarily suspended from association in any capacity with a member organization or have the member's approval withdrawn until such fine is paid. The rule further provides that any member, member organization or allied member that fails to pay a fine or any other sums due to the Exchange within 45 days is reported by the Exchange Treasurer to the Chairman of the Exchange Board of Directors and, after written notice mailed to such member, member organization or allied member of such arrearages, may be suspended by the Exchange Board of Directors until payment is made. An individual or organization may be proceeded against for any offense other than that for which such individual or organization was suspended. In addition, the suspension or expulsion of a member or allied member under the provisions of this rule creates a vacancy in any office or position held by the member or allied member. Similarly, current NYSE Rule 309 provides that any member, member organization or allied member that fails to pay a fee or any other sums due to the Exchange (excluding a fine) with 45 days after the same are payable shall be reported to the Chief Financial Officer of the Exchange or [sic] designee who, after notice has been given to such member, member organization or allied member of such arrearages, may suspend access to some or all of the facilities of the Exchange until payment is made. Written suspension notices under both NYSE Rules 309 and 476(k) are immediately effective upon such notice and the rules provide no further process; upon payment of the fine or amount due, the suspension is lifted.

Under NYSE Rule 476(l), the CEO may not require a review by the Exchange Board of Directors under Rule 476 and is recused from deliberations and actions of the Board with respect to such matters.

Current NYSE Rule 476A—Imposition of Fines for Minor Violations of Rules

Under NYSE Rule 476A(a), in lieu of commencing a disciplinary proceeding under NYSE Rule 476, the Exchange may impose a fine not to exceed $5,000 on any member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization for the rules listed in NYSE Rule 476A. Any fine imposed pursuant to this rule and not contested is not publicly reported, except as may be required by SEC Rule 19d-1 and as may be required by any other regulatory authority.

Under NYSE Rule 476A(b), the person against whom a minor rule violation fine is imposed is served with a written statement, signed by an authorized officer or employee of the Exchange on behalf of the Division or Department of the Exchange taking the action, setting forth (i) the rule or rules alleged to have been violated; (ii) the act or omission constituting each such violation; (iii) the fine imposed for each such violation; and (iv) the date by which such determination becomes final and such fine becomes due and payable to the Exchange, or such determination must be contested as provided in NYSE Rule 476A(d). Such date may not be less than

25 days after the date of service of the written statement.

Under NYSE Rule 476A(c), if the person against whom a minor rule violation fine is imposed pays the fine, such payment is deemed to be a waiver by such person of such person's right to a disciplinary proceeding under NYSE Rule 476 and any review of the matter by a Hearing Panel or the Exchange Board of Directors.

Under NYSE Rule 476A(d), any person against whom a minor rule violation is imposed may contest the Exchange's determination by timely filing a written response meeting the requirements of an answer as provided in NYSE Rule 476(d), at which point the matter becomes a disciplinary proceeding subject to the provisions of NYSE Rule 476. In any such disciplinary proceeding, if the Hearing Panel determines that the person is guilty of the rule violation(s) charged, the Hearing Panel is free to impose any one or more of the disciplinary sanctions provided in NYSE Rule 476 and determine whether the rule violation(s) is minor in nature. NYSER, the person charged, any member of the Exchange Board of Directors, any member of the NYSER Committee for Review, and any Executive Floor Governor may require a review by the Board of any determination by the Hearing Panel by proceeding in the manner described in NYSE Rule 476(f).

Under NYSE Rule 476A(e), the Exchange must prepare and announce to its members and member organizations from time to time a listing of the Exchange rules as to which the Exchange may impose minor rule violation fines. Such listing also indicates the specific dollar amount that may be imposed as a fine or may indicate the minimum and maximum dollar amounts that may be imposed by the Exchange with respect to any such violation. The Exchange is free, whenever it determines that any violation is not minor in nature, to proceed under NYSE Rule 476 rather than under NYSE Rule 476A.

The remainder of NYSE Rule 476A sets forth the list of rule violations that may be treated as minor rule violations and fines, which may not exceed $5,000.

Current NYSE Rule 477—Retention of Jurisdiction and Failure To Cooperate

Under NYSE Rule 477(a), if, prior to termination, or during the period of one year immediately following the receipt by the Exchange of written notice of the termination, of a person's status as a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization, the Exchange serves (as provided in NYSE Rule 476(d)) a written notice on such person that it is making inquiry into, or serves a Charge Memorandum on such person with respect to, any matter or matters occurring prior to the termination of such person's status, the Exchange may thereafter require such person to comply with any requests of the Exchange to appear, testify, submit books, records, papers, or tangible objects, respond to written requests and attend hearings in every respect in conformance with the Rules of the Exchange in the same manner and to the same extent as if such person had remained a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization.

Under NYSE Rule 477(b), prior to termination, or during the period of one year immediately following the receipt by the Exchange of written notice of the termination of a person's status as a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization, the Exchange may, through the exercise of its jurisdiction, as described in NYSE Rule 477(a) above, require such person to comply with any requests of an organization or association included in NYSE Rule 476(a)(11) to appear, testify, submit books, records, papers, or tangible objects, respond to written requests and attend hearings in every respect in conformance with the Exchange rules in the same manner and to the same extent as if such person had remained a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization with respect to any matter or matters occurring prior to the termination of such person's status.

Under NYSE Rule 477(c), if a former member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization, provided such notice or Charge Memorandum is or has been served, is adjudged guilty in a proceeding under NYSE Rule 476 of having refused or failed to comply with any such requirement, such person may be barred permanently, or for such period of time as may be determined, or until such time as the Exchange has completed its investigation into the matter or matters specified in such notice or Charge Memorandum, has determined a penalty, if any, to be imposed, and until the penalty, if any, has been carried out.

Under NYSE Rule 477(d), following the termination of a person's status as a member, member organization, principal executive, approved person, or registered or non-registered employee of a member or member organization, provided such notice or Charge Memorandum is or has been served, such person may also be charged with having committed, prior to termination, any other offense with which such person might have been charged had such status not been terminated. Any such charges shall be brought and determined in accordance with the provisions set forth in NYSE Rule 476.

Proposed Rule Change

The Exchange proposes to adopt many of FINRA's rules that are set forth in FINRA Rule 8000 and 9000 Series with no modification [9] or with conforming and technical changes as described below. However, in certain key respects, the proposed NYSE rules would continue to differ from FINRA's rules. Specifically, as described in more detail below, NYSE proposes to (1) establish processes for settling disciplinary matters both before and after the issuance of a complaint that differ both from NYSE's current Stipulation and Consent process and FINRA's current settlement processes; (2) retain the NYSE selection process for Hearing Panelists, rather than use FINRA's Panelists; (3) retain the substance of NYSE's current appellate process; (4) use NYSE's Chief Regulatory Officer (''CRO'') rather than FINRA's General Counsel for certain procedural decisions in the proposed rules; and (5) retain the current NYSE list of minor rule violations, with certain technical and conforming amendments, while adopting FINRA's minor rule violation fine levels and FINRA's process for imposing them. A more detailed description of the proposed rules is set forth below.

Transition

Following approval of the proposed rule change, the Exchange intends to announce the effective date of the new rules at least 30 days in advance in an Information Memorandum to its members and member organizations. To further facilitate an orderly transition from the current rules to the new rules, the Exchange proposes that certain

[9] The following proposed NYSE Rules would be identical to the text of their counterpart FINRA Rules: 9131–9134, 9136–9138, 9142, 9148, 9213–9215, 9222, 9233–9241, 9261, 9263–9266, and 9290. *See infra* note 17 for a list of proposed rules with only conforming and technical amendments.

matters already initiated under the current rules would be completed under such rules.

Specifically, current NYSE Rule 475 would continue to apply with respect to a proceeding for which a written notice had been issued prior to the effective date of the new rules. Current NYSE Rules 476 and 476A would continue to apply with respect to a proceeding for which a Charge Memorandum had been filed with the Hearing Board under NYSE Rule 476(d) prior to the effective date of the new rules. Current NYSE Rule 476 also would continue to apply to a matter for which a written Stipulation and Consent has been submitted to a Hearing Officer prior to the effective date of the new rules. Current NYSE Rules 475, 476, or 476A would continue to apply until any such proceeding was final. In all other cases, the proposed NYSE Rule 9000 Series, as described below, would apply.

Until the effective date, the Exchange could issue a written notice of suspension for non-payment of a fine or other sum due to the Exchange under current NYSE Rule 476(k), which would remain in effect until payment was made. Thereafter, the Exchange would proceed against an individual or entity subject to its jurisdiction that failed to pay a fine or monetary sanction under proposed NYSE Rule 8320, which would be modeled on the counterpart FINRA rule that similarly provides for a summary suspension until such fine or monetary sanction is paid. With respect to non-payment of amounts other than fines and monetary sanctions, the Exchange proposes to delete the language in current NYSE Rule 476(k) regarding these matters because it is duplicative of the language in current NYSE Rule 309, which authorizes the Exchange's Chief Financial Officer to address non-payment of amounts due to the Exchange other than fines and monetary sanctions. Thus, following the effective date, NYSE Rule 309 would govern non-payment of sums owed to the Exchange other than fines and monetary sanctions. Current NYSE Rule 309 includes a cross-reference to NYSE Rule 476(k), which would be replaced with a reference to proposed NYSE Rule 8320.

As noted above, current NYSE Rule 476(a)(1)–(11) also contains substantive elements in addition to its procedural elements. Specifically, NYSE Rule 476(a)(1)–(11) contains a list of offenses for which the Exchange can take disciplinary action. The proposed rule change would not alter this substantive aspect of Rule 476(a). The Exchange could continue to take disciplinary action against a member organization or other person subject to its jurisdiction for committing any of these substantive violations; following the transition described above, the Exchange would bring disciplinary cases for such offenses under the proposed NYSE Rule 9000 Series.

Similarly, the retention of jurisdiction provisions of NYSE Rule 477 would continue to apply to any member organization that resigned or had its membership canceled or revoked and any person whose status as a person subject to the Exchange's jurisdiction was terminated or whose registration was revoked or canceled if such member organization or person had been served with a Charge Memorandum or written notice of inquiry pursuant to NYSE Rule 477 prior to the effective date of the new rules. As described above, current NYSE Rule 477 generally provides that the Exchange retains jurisdiction for one year after such status is terminated and such jurisdiction continues if during that one-year period the Exchange has provided written notice that it is making inquiry into matters that arose prior to termination. In all other cases, the retention of jurisdiction provisions of proposed NYSE Rule 8130 would apply, which would set forth retention of jurisdiction provisions modeled on Article IV, Section 6 and Article V, Section 4 of the FINRA Bylaws. Under the proposed rule change, as described below, the Exchange would retain jurisdiction to file a complaint against a member organization or person subject to its jurisdiction for two years after such status was terminated, and the proposed NYSE Rule 8000 Series and Rule 9000 Series generally would apply.

When the transition is complete and there are no longer any member organizations or persons who would be subject to NYSE Rules 475, 476, 476A, and 477, the Exchange intends to submit a proposed rule change that would delete such rules (except for the listed offenses under NYSE Rule 476(a)).

Terms and Definitions Used Throughout the Proposed NYSE Rule 8000 and 9000 Series Resulting in Technical Amendments to FINRA Text

To continue the current coverage of the NYSE disciplinary rules, the proposed rule change would use the terms ''member organization'' and ''covered person'' rather than ''member'' and ''person associated with a member,'' respectively, which terms are used throughout the FINRA Rule 8000 and 9000 Series. The term ''member'' has different meanings under FINRA and NYSE rules. Under FINRA Rule 0160(b)(9), ''member'' means an organization that is a member of FINRA; NYSE's equivalent term is ''member organization.'' [10] Under NYSE Rule 2(a), the term ''member'' means a natural person associated with a member organization who has been approved by the Exchange and designated by such member organization to effect transactions on the floor of the Exchange or any facility thereof.

The Exchange proposes to use the term ''covered person'' rather than the Act's definition of ''associated person'' or FINRA's definition of ''associated person'' so that the proposed rule change appropriately captures each of the individuals and entities other than member organizations that are currently subject to the Exchange's rules, thus preserving the Exchange's current scope of jurisdiction. These individuals and entities are members, principal executives, approved persons, and registered and non-registered employees of a member or member organization, and any other person subject to the Exchange's jurisdiction.[11] Each of these individuals and entities falls within the definition of ''associated person'' in Section 3(a)(18) of the Act.[12]

However, the definition in the Act is broader in scope that [sic] the individuals and entities currently subject to the Exchange's jurisdiction and for that reason the Exchange could not use the Act's definition for purposes of the proposed rule change. For example, the Act's definition of associated person includes any person under common control with a broker-dealer. However, the Exchange's scope of jurisdiction is not so broad. Specifically, the definition of approved person [13] does not include all affiliates;

[10] *See* NYSE Rule 2(b).

[11] *See* NYSE Rules 2A and 476. The Interpretation of NYSE Rule 345(a) has long permitted registered representatives associated with a member organization to assert the status of ''independent contractor,'' provided such designation does not in any way compromise such person's characterization and treatment as an ''employee'' of his or her associated member organization for purposes of the rules of the Exchange. *See* Information Memo 06–51. As such, independent contractors are deemed employees of member organizations and thus subject to the Exchange's jurisdiction.

[12] *See* 15 U.S.C. 78c(a)(18). Under Section 3(a)(18), ''associated person'' means any partner, officer, director, or branch manager of a broker-dealer (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with a broker-dealer, or any employee of such broker-dealer, excluding for certain purposes any person whose functions are solely clerical or ministerial.

[13] Under NYSE Rule 2(c), ''approved person'' means a person, other than a member, principal executive or employee of a member organization, who controls a member organization, is engaged in a securities or kindred business that is controlled by a member or member organization, or is a U.S.

Continued

rather, it includes only affiliates engaged in a securities or kindred business that is controlled by a member or member organization or a U.S. registered broker-dealer under common control with a member organization. The Exchange also could not use FINRA's definition of associated person in Article I(rr) of FINRA Bylaws [14] because it does not include the affiliates of a broker-dealer that are covered by the Exchange's definition of approved person; thus, the FINRA definition would be too narrow. As such, the Exchange proposes to use the new term ''covered person,'' referenced in proposed NYSE Rule 8120(b) and defined in proposed NYSE Rule 9120(g), which would include a member, principal executive, approved person, registered or non-registered employee of a member organization, or other person (excluding a member organization) subject to the jurisdiction of the Exchange.[15] By utilizing the term ''covered person,'' there would be no substantive change in the scope of persons subject to the Exchange's disciplinary rules.[16]

Where the term ''FINRA'' appears in FINRA's rule text, the term ''Exchange'' would be substituted in the proposed rule change. As noted in Exchange Rule 0, Exchange Rules that refer to NYSER, NYSER staff or departments, Exchange staff, and Exchange departments should be understood as also referring to FINRA staff and FINRA departments acting on behalf of the Exchange pursuant to the RSA, as applicable.[17]

Proposed NYSE Rule 8000 Series

Proposed NYSE Rule 8001 would include the effective date of the proposed rule change for the NYSE Rule 8000 Series, noting the exception for the retention of jurisdiction dates in proposed NYSE Rule 8130 and the transition from current NYSE Rule 476(k) to proposed NYSE Rule 8320, as described above; FINRA does not have a Rule 8001. The text of FINRA Rules 8110 through 8330 would be adopted as NYSE Rules 8110 through 8330, with certain changes as described below.[18]

Proposed NYSE Rule 8110 would require an NYSE member organization to provide access to the Exchange's rules to its customers. The text of the proposed rule is substantially the same as the text in FINRA's counterpart rule with only conforming and technical amendments. Although there is no comparable requirement in the current NYSE Rules, the Exchange already meets the requirement because the Exchange's rules are available on the Exchange's Web site.[19]

As noted above, proposed NYSE Rule 8120 would provide cross-references to definitions of the terms ''Adjudicator'' and ''covered person'' in proposed NYSE Rule 9120. Similarly, FINRA Rule 8120 cross-references the definition of ''Adjudicator.'' Proposed Rule 8120 is simply technical in nature.

Proposed NYSE Rule 8130 would set forth retention of jurisdiction provisions modeled on Article IV, Section 6 and Article V, Section 4 of the FINRA Bylaws. The text of the proposed rule is substantially the same as the text in FINRA's Bylaws, except that it contains a provision in paragraph (d) for the transition period as described above. Under the proposed rule change, the Exchange would retain jurisdiction to file a complaint against a member organization or covered person for two years after such member organization's or covered person's status is terminated. This differs from current NYSE Rule 477, which provides that the Exchange retains jurisdiction after the termination of status as long as a Charge Memorandum or written notice of inquiry is served within one year after termination of such status. The Exchange believes that the longer period under the proposed rule is appropriate because it will harmonize the Exchange's rule with FINRA's rule and provide a fixed time period for a complaint to be brought, which provides repose [sic] to respondents while still providing Exchange staff with sufficient time to determine if a complaint should be brought.

Proposed NYSE Rule 8210 would set forth procedures for the provision of information and testimony and inspection and copying books by the Exchange. The proposed text of the rule is substantially the same as the text in FINRA's counterpart rule, with only technical and conforming amendments.

Proposed NYSE Rule 8210(a) would require a member organization and covered person to provide information and testimony and permit the inspection of books, records, and accounts for the purpose of an investigation, complaint, examination, or proceeding authorized by the Exchange's rules. As noted above, under proposed NYSE Rule 8130, the Exchange would retain jurisdiction over a member organization or covered person to file a complaint or otherwise initiate a proceeding for two years after such member organization's or covered person's status is terminated and as such can continue to obtain information and testimony during such period and thereafter if a complaint or proceeding is timely filed. Currently the Exchange also requires persons subject to its jurisdiction to provide books and records and appear and testify upon request under current NYSE Rules 475(e), 476(a)(11), and 477(a) and (b), and as noted above, the Exchange retains jurisdiction after termination of a registration as long as a Charge Memorandum or written notice of inquiry has been served within one year after termination of such status. The Exchange believes the proposed rule is appropriate because it will harmonize the Exchange's rules with FINRA's rules with respect to jurisdiction and obtaining books and records from member organizations and covered persons.

registered broker-dealer under common control with a member organization.

[14] FINRA's definition of ''associated person'' means (1) a natural person who is registered or has applied for registration under FINRA's Rules; (2) a sole proprietor, partner, officer, director, or branch manager of a member, or other natural person occupying a similar status or performing similar functions, or a natural person engaged in the investment banking or securities business who is directly or indirectly controlling or controlled by a member, whether or not any such person is registered or exempt from registration with FINRA; and (3) for purposes of FINRA Rule 8210, any other person listed in Schedule A of Form BD of a member. FINRA's definition also is narrower than the Act because it does not include, for example, entities under common control with a broker-dealer.

[15] Current NYSE Rule 476(a) refers to registered or non-registered employee of a member. Under current NYSE Rule 2(a), a member is a natural person associated with a member organization. A member does not have employees. Such persons would be employees of the member organization and thus covered by the proposed definition of covered person.

[16] The Exchange notes that the term ''allied member,'' which historically referred to certain general partners, principal executives, or control persons of a member organization, has been replaced in the Exchange's rules with the term ''principal executive.'' *See* Securities Exchange Act Release No. 58549 (September 15, 2008), 73 FR 54444 (September 19, 2008) (SR–NYSE–2008–80). As such, allied members are not included in the definition of covered person in the proposed rule change. The Exchange proposes conforming changes to NYSE Rules 309, 475, 619, 1301A, and 1301B to replace references to ''allied member'' with ''principal executive'' and to delete unnecessary parentheticals.

[17] Thus, where below the Exchange states that only conforming and technical changes have been made, the Exchange is referring to instances in which it changed ''member'' and ''associated person'' to ''member organization'' and ''covered person,'' respectively; changed cross-references to FINRA rules to cross-references to Exchange rules; and made other non-substantive changes. The following proposed NYSE Rules include only such conforming and technical amendments to their counterpart FINRA rule text: 8110, 8120, 8210, 8211, 8311, 8330, 9110, 9143, 9145, 9252, 9262, 9267, 9521, 9527, 9620, and 9870.

[18] FINRA does not have a Rule 8212. NYSE is not proposing to adopt FINRA Rule 8312, which describes FINRA's BrokerCheck disclosures. As such, to maintain consistency with FINRA's rule numbering, the Exchange has designated proposed NYSE Rules 8212 and 8312 as ''Reserved.''

[19] The NYSE Rules are available at *http://nyserules.nyse.com/NYSE/Rules/*.

Proposed Rule 8210(b) would authorize Exchange staff to enter into regulatory cooperation agreements with a domestic federal agency or subdivision thereof or a foreign regulator. Current NYSE Rule 27 permits the Exchange to enter into agreements with domestic or foreign SROs or associations, contract markets and registered futures associations, but does not specify domestic federal agencies or subdivisions thereof or foreign regulators; because the scope of current NYSE Rule 27 is different, the Exchange would retain it along with proposed NYSE Rule 8210(b).[20]

The remainder of proposed NYSE Rule 8210 would set forth certain procedures for investigations. Proposed Rule 8210(c) would require member organizations and covered persons to comply with information requests under the Rule. This requirement is substantially the same as current NYSE Rules 475(e), 476(a)(11), and 477(a) and (b), as noted above.

Proposed NYSE Rule 8210(d) would provide that a notice under this Rule would be deemed received by the member organization or covered person to whom it is directed by mailing or otherwise transmitting the notice to the last known business address of the member organization or the last known residential address of the covered person as reflected in the Central Registration Depository. If the Adjudicator or Exchange staff responsible for mailing or otherwise transmitting the notice to the member organization or covered person had actual knowledge that the address in the Central Registration Depository is out of date or inaccurate, then a copy of the notice would be mailed or otherwise transmitted to: (1) The last known business address of the member organization or the last known residential address of the covered person as reflected in the Central Registration Depository; and (2) any other more current address of the member organization or covered person known to the Adjudicator or Exchange staff responsible for mailing or otherwise transmitting the notice. Current NYSE Rules 475(e), 476(a)(11), and 477(a) and (b), which require persons subject to the Exchange's jurisdiction to provide books and records and appear and testify upon the Exchange's request, do not specify the address to which a notice of such request must be directed. The additional specificity in proposed NYSE Rule 8210(d) would afford member organizations and covered persons additional procedural protections in that respect.

Proposed NYSE Rule 8210(e) would provide that in carrying out its responsibilities under this Rule, the Exchange may, as appropriate, establish programs for the submission of information to the Exchange on a regular basis through a direct or indirect electronic interface between the Exchange and member organizations. Proposed NYSE Rule 8210(f) would permit a witness to inspect the official transcript of the witness's own testimony, and permit a person who has submitted documentary evidence or testimony in an Exchange investigation to get a copy of the person's documentary evidence or the transcript of the person's testimony under certain circumstances. Finally, proposed NYSE Rule 8210(g) would require any member organization or covered person who in response to a request pursuant to this Rule provided the requested information on a portable media device to ensure that such information was encrypted. The Exchange's current rules do not contain comparable provisions.

Proposed NYSE Rule 8211 would set forth the procedures for the automated submission for trading data requested by the Exchange (commonly referred to as ''blue sheets'') for transactions on the Exchange. These procedures are substantially the same as the procedures in FINRA's counterpart rule, with only conforming and technical amendments, and substantially the same as current NYSE Rule 410A. Because FINRA now performs all surveillance functions based on the information gathered as a result of these rules, the Exchange believes that the procedures for the automated submission of trading data should be harmonized with the FINRA rules, and therefore proposes to delete current NYSE Rule 410A and adopt proposed NYSE Rule 8211 instead.[21]

Proposed NYSE Rule 8310 would set forth the range of sanctions that could be imposed in connection with disciplinary actions under the proposed rule change. Such sanctions would include censure, fine, suspension, revocation, bar, expulsion, or any other fitting sanction. The text of the proposed rule is substantially the same as the text in FINRA's counterpart rule, with only conforming and technical amendments. The sanctions also are substantially the same as the permitted sanctions set forth in current NYSE Rule 476(a)(11), which are expulsion; suspension; limitation as to activities, functions, and operations, including the suspension or cancellation of a registration in, or assignment of, one or more stocks; fine; censure; suspension or bar from being associated with any member or member organization; or any other fitting sanction. Although there is some difference between the text of the current and proposed NYSE rules, the Exchange believes that in practice the range of sanctions is the same due to the inclusion in both rules of the general category ''any other fitting sanction.''

Proposed NYSE Rule 8310 would also allow the Exchange to impose a temporary or permanent cease and desist order against a member organization or covered person. This new authority, not currently available under NYSE rules, is described in further detail below in the section concerning the proposed NYSE Rule 9800 Series.

Proposed NYSE Rule 8311 would provide that if the Commission or the Exchange imposed a suspension, revocation, cancellation or bar on a covered person, a member organization may not permit such person to remain associated, and, in the case of a suspension, may not make any remuneration that results from any securities transaction. The text of the proposed rule is substantially the same as the text in FINRA's counterpart rule, with only conforming and technical amendments. The proposed rule is similar in result to current NYSE Rule 476(j), which provides that a member will be deprived of all rights and privileges of membership during a suspension and that an expulsion of a member terminates all rights and privileges arising out of the membership. However, the proposed rule is broader because it applies to all covered persons subject to a suspension, revocation, cancellation or bar and more explicitly prohibits the payment of compensation in the case of a suspension.

Proposed NYSE Rule 8313 would provide that the Exchange will publish all final disciplinary decisions issued under the proposed NYSE Rule 9000 Series, other than minor rule violations,

[20] Current NYSE Rule 27 also cross-references current NYSE Rule 476(a)(11), which enumerates certain violations, including the violation of refusing or failing to comply with a request of a domestic or foreign SRO or association, contract market, or registered futures associations with which the Exchange has entered into an agreement or to furnish information to or to appear or testify before the Exchange or such other organization or association. The proposed rule change would not alter this substantive aspect of NYSE Rule 476(a)(11) and as such the cross-reference in current NYSE Rule 27 would not be amended.

[21] The Exchange is retaining NYSE Rule 410B, which concerns reports of listed securities transactions effected off the Exchange. As such, the Exchange is not adopting FINRA Rule 8213 and has marked it as ''Reserved.''

on its Web site.[22] This is the Exchange's long-standing practice, although it does not have a current rule with respect to it. By way of comparison, FINRA's Rule 8313 provides that disciplinary complaints and decisions that meet certain criteria will be either published or made available upon request. The Exchange believes that its current practice is fair and non-discriminatory and as such proposes to continue it.

Proposed NYSE Rule 8320(a) would provide that all fines and other monetary sanctions shall be paid to the Treasurer of the Exchange. Unlike FINRA Rule 8320(a), the Rule would not provide that such monies could be used for general corporate purposes. The Exchange uses fine monies for regulatory purposes subject to the approval of the NYSER Board.[23]

Proposed NYSE Rule 8320(b) and (c) would permit the Exchange, after seven days' notice in writing, to suspend or expel a member organization from membership or revoke the registration of a covered person for failure to pay a fine. The text of the proposed rule is substantially the same as the text in FINRA's counterpart rule, with only conforming and technical amendments. As noted above, under current NYSE Rule 476(k), a member organization or covered person may be summarily suspended for failing to pay a fine within a 45-day notice period; a membership cancellation or bar also could be imposed in a regular disciplinary proceeding for non-payment of a fine. Although FINRA's rules do not specifically so provide, FINRA typically gives a Respondent at least 30 days to pay a fine after the conclusion of a proceeding. Thus, the Exchange believes that such period, along with the seven days notice provided under proposed NYSE Rule 8320, would provide Respondents with an adequate amount of time to pay a fine and avoid any further sanction by the Exchange. For clarity regarding the transition, proposed NYSE Rule 8001 would provide that the Exchange may issue a written notice of suspension for non-payment of a fine under Rule 476(k) until the effective date of the proposed rule change, and thereafter proposed NYSE Rule 8320 would apply.

Proposed NYSE Rule 8330 would provide that a disciplined member organization or covered person may be assessed the costs of a proceeding. The text of the proposed rule is substantially the same as the text in FINRA's counterpart rule, with only conforming and technical amendments. There is no comparable requirement in the current NYSE Rules, although the Exchange may assess costs as a ''fitting sanction'' under current NYSE Rule 476(a)(11).

Proposed NYSE Rule 9000 Series

Proposed NYSE Rule 9001 would set forth the effective date of the rule, noting the transitional provisions described above. The text of proposed NYSE Rule 9001 would be identical to the proposed introductory text of NYSE Rule 476, except that the transition with respect to proposed NYSE Rule 8320 would be reflected in proposed NYSE Rule 8001 as described above.

The Exchange proposes to adopt the text of FINRA Rules 9110 through 9290 with certain changes as described below. Proposed NYSE Rule 9110 would state the types of proceedings to which the proposed NYSE Rule 9000 Series would apply (each of which is described below) and the rights, duties, and obligations of member organizations and covered persons, and would set forth the defined terms and cross-references. The text of the proposed rule is substantially the same as the text in FINRA's counterpart rule, with only conforming and technical amendments. The Exchange does not have a comparable rule.

Proposed NYSE Rule 9120 would set forth definitions. Certain defined terms in FINRA Rule 9120 would be inapplicable in the Exchange's rules—''Counsel to the National Adjudicatory Council,'' ''District Committee,'' ''Extended Proceeding,'' ''Extended Proceeding Committee,'' ''FINRA Board,'' ''FINRA Regulation Board,'' ''General Counsel,'' ''Governor,'' ''Market Regulation Committee,'' ''Primary District Committee,'' ''Review Subcommittee,'' ''Statutory Disqualification Committee,'' and ''Subcommittee''—and therefore are not included in the proposed rule change. As described in more detail below, the Exchange proposes to continue to use its own Hearing Board for Panelists[24] and its current appellate process.[25] As such, the terms above are unnecessary in the proposed rule change.

The Exchange proposes to include certain definitions that are not included in FINRA's rule text: ''Board of Directors,'' ''Chief Regulatory Officer'' or ''CRO,'' ''covered person,'' ''Department of Market Regulation,'' ''Department of Member Regulation,'' ''Exchange,'' ''Floor-Based Panelist,'' ''Head of Market Regulation,'' and ''Office of Hearing Officers.'' These definitions appear in subsequent proposed rules, as described below, and are necessary for harmonization with the Exchange's rules.

The remaining definitions—''Adjudicator,'' ''Chief Hearing Officer,'' ''Code,'' ''Counsel to the Exchange Board of Directors,'' ''Department of Enforcement,'' ''Director,'' ''Document,'' ''Extended Hearing,'' ''Extended Hearing Panel,'' ''Head of Enforcement,'' ''Hearing Officer,'' ''Hearing Panel,'' ''Interested Staff,'' ''Office of Disciplinary Affairs,'' ''Panelist,'' ''Party,'' and ''Respondent''—are substantially the same as FINRA's definitions. To the extent the definitions differ, the differences are technical and conforming to reflect the Exchange's continued use of its Hearing Board and appellate processes and other differences noted below.

Proposed NYSE Rules 9130 Through 9138

Proposed NYSE Rules 9130 through 9138 would govern the service of a complaint or other procedural documents under the NYSE Rules. Proposed NYSE Rule 9131 would set forth the requirements for serving a complaint or document initiating a proceeding. Proposed NYSE Rule 9132 would cover the service of orders, notices, and decisions by an Adjudicator. Proposed NYSE Rule 9133 would govern the service of papers other than complaints, orders, notices, or decisions. Proposed NYSE Rule 9134 would describe the methods of service and the procedures for service. Proposed NYSE Rule 9135 would set forth the procedure for filing papers with an Adjudicator. Proposed NYSE Rule 9136 would govern the form of papers filed in connection with any proceeding under the proposed NYSE Rule 9200 and 9300 Series. Proposed NYSE Rule 9137 would state the requirements for and the effect of a signature in connection with the filing of papers. Finally, proposed NYSE Rule 9138 would establish the computation of time. The text of these proposed rules, other than proposed NYSE Rule 9135, is identical to FINRA's counterpart rules.[26]

[22] Consistent with current practice, a determination in a statutory disqualification proceeding under the proposed NYSE Rule 9520 Series would not be considered a disciplinary decision and thus would not be subject to publication.

[23] *See* Securities Exchange Act Release Nos. 55003 (December 22, 2006), 71 FR 78497 (December 29, 2006) (SR–NYSE–2006–109) and 55216 (January 31, 2007), 72 FR 5779 (February 7, 2007).

[24] *See* proposed NYSE Rule 9232.

[25] *See generally* proposed NYSE Rules 9310, 9524, and 9559.

[26] Proposed NYSE Rule 9135 differs from its FINRA counterpart because it deletes a reference to filing an appeal with FINRA's Office of Hearing Officer. As previously noted, the Exchange is retaining its current appeal process.

By comparison, current NYSE Rule 476(d), which governs service of process, is generally less detailed and, as noted above, provides that service is deemed effective by personal service of the Charge Memorandum, or by leaving the same either at the respondent's last known office address during business hours or the respondent's last place of residence as reflected in Exchange records, or upon mailing same to the respondent at such office address or place of residence. Under proposed NYSE Rule 9134, as under current FINRA Rule 9134, papers served on a natural person could be served at the natural person's residential address, as reflected in the Central Registration Depository (''CRD''), if applicable. When a Party or other person responsible for serving such person had actual knowledge that the natural person's CRD address was out of date, duplicate copies would be required to be served on the natural person at the natural person's last known residential address and the business address in the CRD of the entity with which the natural person is employed or affiliated. Papers could also be served at the business address of the entity with which the natural person is employed or affiliated, as reflected in CRD, or at a business address, such as a branch office, at which the natural person is employed or at which the natural person is physically present during a normal business day. The Hearing Officer could waive the requirement of serving documents (other than complaints) at the addresses listed in the CRD if there were evidence that these addresses were no longer valid and there was a more current address available. If a natural person were represented by counsel or a representative, papers served on the natural person, excluding a complaint or a document initiating a proceeding, would be required to be served on the counsel or representative.

Similarly, under proposed NYSE Rule 9134, papers served on an entity would be required to be made by service on an officer, a partner of a partnership, a managing or general agent, a contact employee as set forth on Form BD, or any other agent authorized by appointment or by law to accept service. Such papers would be required to be served at the entity's business address as reflected in CRD, if applicable; provided, however, that when the Party or other person responsible for serving such entity had actual knowledge that an entity's CRD address was out of date, duplicate copies would be required to be served at the entity's last known address. If an entity were represented by counsel or a representative, papers served on such entity, excluding a complaint or document initiating a proceeding, would be required to be served on such counsel or representative.

The Exchange's current rules do not explicitly permit service of a Charge Memorandum or other document on a respondent's counsel or other authorized representative. FINRA recently amended FINRA Rule 9131(a) to provide that when counsel for a Party or other person authorized to represent others agrees to accept service of a complaint, FINRA's Department of Enforcement or Department of Market Regulation may serve the complaint on counsel for a respondent or other person authorized to represent others under FINRA Rule 9141.[27] FINRA Rules 9132 and 9133 also provide that whenever service of an order, notice, decision, or other document (other than a complaint) is required to be made on a person represented by counsel or other authorized representative, then service must be made on such counsel or authorized representative. The proposed rule change would include these provisions and thereby accommodate Respondents who have retained counsel and have authorized them to accept service. The proposed rule change also would harmonize the Exchange's rules with many states' Rules of Professional Conduct for attorneys, which generally require that, once a person retains an attorney, unless the attorney specifically provides otherwise, all communications be directed to such attorney.[28]

The Exchange believes that these more detailed procedures for service of process would increase the likelihood of successful service of process while providing appropriate due process protections to its member organizations and covered persons.

Proposed NYSE Rules 9140 Through 9148

Proposed NYSE Rules 9140 through 9148 would contain various rules relating to the conduct of disciplinary proceedings.

Proposed NYSE Rule 9141 would govern appearances in a proceeding, notice of appearances, and representation. The text of the proposed rule is the same as the text of FINRA's counterpart rule, except that the Exchange does not propose to adopt the text of FINRA Rule 9141(c), which provides that no former officer of FINRA shall, within one year after termination of employment with FINRA, make an appearance before an adjudicator on behalf of any other person under the Rule 9000 Series. The Exchange does not believe that it is necessary to bar its former employees from such appearances because its employees generally are not involved in the regulatory and disciplinary functions carried out by FINRA on behalf of the Exchange; as such, their appearance does not create the same type of conflict of interest. Thus, proposed NYSE Rule 9141(c) is marked ''Reserved.''

Proposed NYSE Rule 9141 would permit a Respondent to represent himself or be represented by an attorney, just as is permitted under current NYSE Rule 476(h). Current NYSE Rule 476(h) is more general, in that it permits a respondent to be represented by an attorney or other representative, while proposed NYSE Rule 9141 is more specific in that it permits a Respondent to be represented by a bar-admitted U.S. attorney, permits a partnership to be represented by a partner, and permits a corporation, trust, or association to be represented by an officer of such entity. Proposed NYSE Rule 9141 also requires an attorney or representative to file a notice of appearance, which is not required under current Exchange rules.

Proposed NYSE Rule 9142 would require an attorney or representative to file a motion to withdraw. The text of the proposed rule is the same as the text of FINRA's counterpart rule. There is no current comparable NYSE rule.

Proposed NYSE Rule 9143(a) would prohibit certain ex parte communications with an Adjudicator or Exchange employee. Under proposed NYSE Rule 9143(b), an Adjudicator participating in a decision with respect to a proceeding, or an Exchange employee participating or advising in the decision of an Adjudicator, who received, made, or knowingly caused to be made a communication prohibited by the Rule would be required to place in the record of the proceeding: (1) All such written communications; (2) memoranda stating the substance of all such oral communications; and (3) all written responses and memoranda stating the substance of all oral responses to all such communications.

[27] *See* Securities Exchange Act Release No. 66096 (January 4, 2012), 77 FR 1524 (January 10, 2012) (SR–FINRA–2011–044).

[28] *See, e.g.,* American Bar Association Model Rule of Professional Conduct 4.2 (Communication with Person Represented by Counsel) (''ABA Rule 4.2''). ABA Rule 4.2 provides that, ''[i]n representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.'' Many states have rules regarding communication with a person represented by counsel that are based on ABA Rule 4.2.

Under proposed NYSE Rule 9143(c), upon receipt of a prohibited communication made or knowingly caused to be made by any Party, any counsel or representative to a Party, or any Interested Staff, the Exchange or an Adjudicator may order the Party responsible for the communication, or the Party who may benefit from the ex parte communication made, to show cause why the Party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected by reason of such ex parte communication. All participants to a proceeding could respond to any allegations or contentions contained in a prohibited ex parte communication placed in the record, and such responses would be placed in the record. Under proposed NYSE Rule 9143(d), in a disciplinary proceeding governed by the NYSE Rule 9200 Series and the NYSE Rule 9300 Series, the prohibitions of the Rule would apply beginning with the authorization of a complaint as provided in NYSE Rule 9211, unless the person responsible for the communication had knowledge that the complaint would be authorized, in which case the prohibitions would apply beginning at the time of his or her acquisition of such knowledge. Under proposed NYSE Rule 9143(e), there would be a waiver of the ex parte prohibition in the case of an offer of settlement, letter of acceptance, waiver and consent, or minor rule violation plan letter. The text of the proposed rule is substantially the same as the text of FINRA's counterpart rule, with only conforming and technical changes. There is no current comparable NYSE rule.

Proposed NYSE Rule 9144 would establish the separation of functions for Interested Staff and Adjudicators and provide for waivers. The text of the proposed rule is modeled on the text of FINRA's counterpart rule, with conforming and technical changes and changes to reflect that the Exchange would retain its appellate process. There is no current comparable NYSE rule.

Proposed NYSE Rule 9145 would provide that formal rules of evidence would not apply in any proceeding brought under the proposed NYSE Rule 9000 Series. The text of the proposed rule is the same as the text of the FINRA counterpart rule, with only a conforming and technical change. The NYSE does not have a current comparable rule that explicitly makes such a statement, although in practice the result is the same—formal rules of evidence do not apply to current NYSE disciplinary proceedings.

Proposed NYSE Rule 9146 would govern motions a Party may make and requirements for responses and formatting. A Party would be permitted to make written and oral motions, although an Adjudicator could require that a motion be in writing. An opposition to a written motion would have to be filed within 14 days, but the moving party would have no right to reply, unless an Adjudicator so permits, in which case such reply generally would be due within five days. Proposed NYSE Rule 9146 also would permit a Party to move for a protective order. The text of the proposed rule is modeled on the text of FINRA's counterpart rule, with conforming and technical changes and changes to reflect that the Exchange would retain its appellate process. There is no current comparable NYSE rule that contains such detail. Current NYSE Rule 476(c) simply provides that the Chief Hearing Officer or a Hearing Officer may resolve any substantive legal motions. The Exchange believes that the more detailed provisions of the proposed rule would provide additional clarity to all Parties to a proceeding.

Proposed NYSE Rule 9147 would provide that Adjudicators may rule on procedural matters. The text of the proposed rule is the same as the text of the FINRA counterpart rule, except that certain text is amended to reflect that the Exchange would retain its appellate process. The proposed rule is similar to current NYSE Rule 476(c), which provides that the Chief Hearing Officer or a Hearing Officer may resolve any procedural matters. However, the Exchange's current rules do not explicitly provide for the Exchange Board of Directors ruling on procedural matters.

Finally, proposed NYSE Rule 9148 would generally prohibit interlocutory review, except as provided in proposed NYSE Rule 9280 for contemptuous conduct. The text of the proposed rule is the same as that in FINRA's counterpart rule. Similarly, current NYSE Rule 476(c) provides that there is no interlocutory appeal to the Exchange Board of Directors.

Proposed NYSE Rule 9150

Proposed NYSE Rule 9150 would provide that a representative can be excluded by an Adjudicator for improper or unethical conduct. The text of the proposed rule is substantially the same as the text in FINRA's counterpart rule, except for conforming and technical amendments and an amendment to reflect the Exchange's retention of its appellate process. The proposed rule also is substantially the same as the text in current NYSE Rule 476(h), which provides that the Hearing Board can exclude a representative for improper conduct in a proceeding.

Proposed NYSE Rule 9160

Proposed NYSE Rule 9160 would provide that no person may act as an Adjudicator if he or she has a conflict of interest or bias, or circumstances exist where his or her fairness could reasonably be questioned. In such case, the person must recuse himself or may be disqualified. The proposed rule would cover the recusal or disqualification of an Adjudicator, the Chair of the Exchange Board of Directors, or a Director. The text of the proposed rule is substantially the same as the text in FINRA's counterpart rule, except that it does not reference certain Adjudicators used by FINRA that the Exchange will not utilize in its proceedings (*e.g.,* a Review Subcommittee); as such, proposed NYSE Rules 9160(b) and (c) are designated as ''Reserved.'' [29] Current NYSE Rule 22 similarly prohibits a person from participating in an adjudication or consideration of a matter if he or she has a personal interest, and would apply during the transition period to proceedings under the current NYSE rules. The Exchange believes that the broader text of the proposed rule could help to increase the fairness of its proceedings.

Proposed NYSE Rules 9200 Through 9217

Proposed NYSE Rule 9200 would cover disciplinary proceedings. Proposed NYSE Rule 9211 would permit FINRA's Department of Enforcement and Department of Market Regulation to request the authorization of FINRA's Office of Disciplinary Affairs to issue a complaint against a member organization or covered person, thereby commencing a disciplinary proceeding. The text of the proposed rule is substantially the same as the text in FINRA's counterpart rule, with only conforming and technical changes. The complaint would replace the Charge Memorandum currently used by the Exchange under current NYSE Rule 476(d), as described above, which requires that the specific charges against the respondent in the form of a written statement be signed by an authorized officer or employee of the Exchange on

[29] FINRA Rule 9160(d) is designated as ''Reserved.'' To maintain consistency with FINRA's rule numbering, the Exchange has also designated its counterpart rule as ''Reserved.''

behalf of the Division of the Exchange bringing the charges.

Proposed NYSE Rule 9212 would set forth the requirements of the complaint, amendments to the complaint, withdrawal of the complaint, and service of the complaint. The text of the proposed rule is modeled on the text in FINRA's counterpart rule, except that FINRA Rule 9212(a)(2) permits the Department of Enforcement or Department of Market Regulation to propose that the Chief Hearing Officer select one Panelist from the Market Regulation Committee if certain trading-related violations, described in FINRA Rule 9120(u), are alleged in the complaint. The Exchange proposes instead to permit the Chief Hearing Officer to select one Floor-Based Panelist, who would be a person who is, or, if retired, was, active on the Floor of the Exchange, to serve on a Hearing Panel if the complaint alleges at least one cause of action involving activities on the Floor of the Exchange. Each subsequent reference in the FINRA rules to a Market Regulation Committee Panelist would be substituted with a reference to a Floor-Based Panelist in the proposed NYSE Rules.[30] The proposed rule change would be consistent with the Exchange's practice under current NYSE Rule 476(b), which provides that in any disciplinary proceeding involving activities on the Floor of the Exchange, no more than one of the persons serving on the three-person Hearing Panel may be, or, if retired, may have been, active on the Floor of the Exchange.

Under the proposed rule change, the form of the complaint also would be more prescribed than under current NYSE Rule 476. Current NYSE Rule 476 also does not address the amendment or withdrawal of complaints.

Proposed NYSE Rule 9213 would provide for the appointment of a Hearing Officer and Panelists by the Chief Hearing Officer. The text of the proposed rule is the same as FINRA Rule 9213. Current NYSE Rule 476(b) is similar in that it provides for the appointment of a Chief Hearing Officer by the Exchange Board of Directors and the utilization of three-person hearing panels led by a Hearing Officer.

Proposed NYSE Rule 9214 would permit the Chief Hearing Officer to sever or consolidate two or more disciplinary proceedings under certain circumstances and permit a Party to move for such action under certain circumstances. The text of the proposed rule is the same as FINRA Rule 9214. There is no NYSE rule comparable to proposed NYSE Rule 9214 for severing or consolidating proceedings. Under current NYSE Rule 476(c), the Chief Hearing Officer or a Hearing Officer resolves all procedural matters and substantive legal motions.

Proposed NYSE Rule 9215 would set forth requirements for answering a complaint, including form, service, notice, content, defenses, amendments, default, and timing. The text of the proposed rule is the same as FINRA Rule 9215. An answer to a Charge Memorandum under current NYSE Rule 476(d) and an answer to a complaint under the proposed rule change have the same 25-day response deadline; however, proposed NYSE Rule 9215 would explicitly allow for an extension of time to answer an amended complaint.

Proposed NYSE Rule 9216 would establish the acceptance, waiver, and consent (''AWC'') procedures by which a Respondent, prior to the issuance of a complaint, may execute a letter accepting a finding of violation, consenting to the imposition of sanctions, and agreeing to waive such Respondent's right to a hearing, appeal, and certain other procedures.[31] It also would establish procedures for executing a minor rule violation plan letter. The text of the proposed rule is similar to the text of FINRA Rule 9216, except that the Office of Disciplinary Affairs, on behalf of the Exchange Board of Directors, would be authorized to accept or reject an AWC or minor rule violation plan letter. If the AWC or minor rule violation plan letter were accepted by the Office of Disciplinary Affairs, it would be deemed final. If the letter were rejected by the Office of Disciplinary Affairs, the Exchange would be permitted to take any other appropriate disciplinary action with respect to the alleged violation or violations. If the letter were rejected, the member organization or covered person would not be prejudiced by the execution of the AWC or minor rule violation plan letter and such document could not be introduced into evidence in connection with the determination of the issues set forth in any complaint or in any other proceeding.

Under FINRA's rule, the Review Subcommittee or Office of Disciplinary Affairs may accept such AWC or letter or refer it to FINRA's National Adjudicatory Council (''NAC'') for acceptance or rejection, or the Review Subcommittee may reject such AWC or letter or refer it to the NAC for acceptance or rejection. Because the Exchange does not propose to use a Review Subcommittee or the NAC, procedures and references relating to these entities would not be included.

While the AWC process has some similarity to the Exchange's current Stipulation and Consent procedure in NYSE Rule 476(g) in that it provides a settlement mechanism, there are certain key differences. Under current NYSE Rule 476(g), a Hearing Officer must act on a Stipulation and Consent submitted by the parties and may choose to convene a Hearing Panel. No Hearing Officer would be involved in the process under the proposed rule. Furthermore, any member of the Exchange Board of Directors, any member of the NYSER Committee for Review, and any Executive Floor Governor may require a review by the Exchange Board of Directors of any determination or penalty, or both, imposed by a Hearing Panel or Hearing Officer in connection with a Stipulation and Consent. In addition, the Respondent or the Division which entered into the written consent may require a review by the Exchange Board of Directors of any rejection of a Stipulation and Consent by the Hearing Panel. There would be no appeals or reviews of AWCs by the Exchange Board of Directors under the proposed rule change.

Although by adopting proposed NYSE Rule 9216 the Exchange would be changing the type of review associated with settlement procedures, the Exchange believes that the proposed process provides appropriate controls to assure consistency and protect against aberrant settlement. Specifically, FINRA's Office of Disciplinary Affairs, which is an independent body from FINRA's Department of Enforcement,[32] would be reviewing all proposed AWCs or minor rule violation plan letters. Accordingly, FINRA's Office of Disciplinary Affairs would serve the role currently being performed by a Hearing Officer under NYSE rules to review a proposed settlement. The Exchange believes that when both Parties to a proceeding agree to a settlement, a review by the Office of Disciplinary Affairs would be sufficient and it is not necessary to bring such matters to the Exchange Board of Directors level. The call for review process under current NYSE Rule 476(g) for a Stipulation and Consent in practice is rarely exercised, and the Exchange believes that the Office of Disciplinary

[30] *See* proposed NYSE Rules 9221(a)(3), 9231(b) and (c), and 9232. The term ''Floor-Based Panelist'' would be defined in proposed NYSE Rule 9120(p).

[31] Proposed NYSE Rule 9270 would address settlement procedures after the issuance of a complaint.

[32] *See* FINRA Regulatory Notice 09–17.

Affairs can serve a similar function and provide objectivity and an appropriate check and balance to the settlement process, and thus it is not necessary to continue the current Hearing Officer and call for review processes.

The Exchange also proposes to adopt aspects of FINRA's process and fine levels for minor rule violations while retaining the specific list of rules included in the Exchange's current minor rule violation plan, with certain technical and conforming amendments. Proposed NYSE Rule 9216(b) would be similar to FINRA Rule 9216(b), with technical amendments and amendments to make it consistent with proposed NYSE Rule 9216(a) in that the Office of Disciplinary Affairs could accept or reject the minor rule violation letter. While FINRA Rule 9216(b) provides that a member or associated person that executes a minor rule violation letter waives any right to claim bias or prejudgment of FINRA's General Counsel, the National Adjudicatory Council, or any member of the National Adjudicatory Council, the Exchange's proposed Rule would provide that a member organization or covered person could not claim bias or prejudgment by CRO, the Exchange Board of Directors, Counsel to the Exchange Board of Directors, or any Director in order to conform with the Exchange's proposed rules. Unlike current NYSE Rule 476A, which is described above, the proposed rule would not permit a Respondent to contest a minor rule violation letter by filing an answer and convert it into a regular disciplinary proceeding. Rather, under the proposed rule, if the Respondent rejects the minor rule violation letter, then a complaint must be filed under proposed NYSE Rule 9211, and the minor rule violation letter may not be introduced into evidence. The Exchange believes that the proposed rule provides similar and sufficient procedural protections to Respondents.

FINRA's maximum fine for minor rule violations under FINRA Rule 9216(b) is $2,500. Currently, the Exchange's maximum fine for minor rule violations under current NYSE Rule 476A(a) is $5,000. The Exchange believes that it is appropriate to lower the maximum fine amount to achieve harmony with FINRA rules. Like FINRA, the Exchange would still be able to pursue a fine greater than $2,500 in a regular disciplinary proceeding or an AWC under the proposed NYSE Rule 9000 Series as appropriate.

Finally, proposed NYSE Rule 9217 would set forth the list of rules under which a member organization or covered person may be subject to a fine under a minor rule violation plan as described in proposed NYSE Rule 9216(b). The Exchange would retain the list of rules currently set forth in its own minor rule violation plan (and found in current NYSE Rule 476A) with certain technical and conforming changes under proposed NYSE Rule 9217, rather than adopt the list of rules in FINRA's plan. The technical and conforming changes are as follows. First, the NYSE's current list of minor rules includes a reference to the record retention provisions in NYSE Rule 472(c); the reference would be corrected to refer to NYSE Rule 472(d). Second, the reference to the submission of blue sheets under NYSE Rule 410A would be supplemented with a reference to proposed NYSE Rule 8211. Third, the reference to the submission of books and records under NYSE Rule 476(a)(11) would be supplemented with a reference to proposed NYSE Rule 8210. Finally, there is a reference to NYSE Rule 1000–1005. NYSE Rule 1005 was deleted from the NYSE rules in 2006 and as such the Exchange proposes to change the reference to NYSE Rule 1000–1004.[33]

The current list of NYSE minor rules includes references to certain rules that have been more recently removed from the NYSE rules as part of the FINRA rule harmonization process, including previous NYSE Rules 312(h), 382(a), 352(b) and (c), 392, and 445(4). The Exchange proposes to maintain the references to these former rules in its current list of minor rules in proposed NYSE Rule 9217. By doing so, the Exchange could continue to resolve violations of them that occurred prior to the harmonization via a minor rule violation letter.[34] For example, guarantees against loss were covered by NYSE Rule 352 until December 2009, when NYSE Rule 2150 was adopted.[35] The Exchange could resolve a guarantee against loss violation that occurred in November 2009 when NYSE Rule 352 was effective, and NYSE Rule 2150 was not effective, via a minor rule violation plan letter under proposed NYSE Rule 9217. The Exchange will determine at a later time when it is appropriate to remove these previous rule references from the list of minor rules.

[33] *See* Securities Exchange Act Release No. 53539 (March 22, 2006), 71 FR 16353 (March 31, 2006) (SR–NYSE–2004–05).

[34] This rationale for maintaining references to prior rules in the list of minor rule violations was noted in Securities Exchange Act Release No. 62940 (September 20, 2010), 75 FR 58452 (September 24, 2010) (SR–NYSE–2010–66).

[35] *See* Securities Exchange Act Release No. 61158 (December 11, 2009), 74 FR 67942 (December 21, 2009) (SR–NYSE–2009–123).

Proposed NYSE Rules 9220 Through 9222

Proposed NYSE Rules 9221 and 9222 would describe how a Respondent can request a hearing, the notice of a hearing, and timing considerations. The text of the proposed rules is the same as that in FINRA's counterpart rules, except that it permits a Respondent to request a Floor-Based Panelist rather than a Market Regulation Committee Panelist. Proposed Rule 9221 provides that a Hearing Officer generally must provide at least 28 days notice of the hearing. Current NYSE Rule 476 does not have comparable provisions relating to how a hearing can be ordered and time for notices; rather, current NYSE Rule 476(b) states that all proceedings under the Rule, except as to matters which are resolved by a Hearing Officer when so authorized, are conducted at a Hearing in accordance with the provisions of NYSE Rule 476.

Proposed NYSE Rules 9230 Through 9235

Proposed NYSE Rules 9231 and 9232 would govern how a Hearing Panel, Extended Hearing Panel, Replacement Hearing Officer, Panelists, Replacement Panelists, and Floor-Based Panelists are appointed and their composition and criteria for selection.

Under the proposed rule change, the Exchange would use FINRA's Chief Hearing Officer and Hearing Officers from FINRA's Office of Hearing Officers, rather than have the Exchange Board of Directors appoint such persons as it does today under current NYSE Rule 476(b). Because such positions are staff positions, the Exchange believes that it is reasonable to utilize FINRA staff, just as it is doing with respect to other proposed rules.

The proposed rules also differ from the counterpart FINRA rules in that the Exchange would not use FINRA's pool of Panelists but would instead continue to draw Panelists appointed from an Exchange Hearing Board. As it is today, the Hearing Board would be appointed annually by the Chairman and would be composed of members of the Exchange who are not members of the Exchange Board of Directors and registered employees and non-registered employees of members and member organizations, as well as former members, allied members, or registered and non-registered employees of members and member organizations who have retired from the securities industry.[36] As is the case under current

[36] As noted above, the Exchange no longer has allied members, but former allied members would continue to be eligible to be appointed to the

NYSE Rule 476(b), Panelists would be required to be persons of integrity and judgment. There would be one change in Hearing Board eligibility in the proposed rule as compared to the current rule. Currently, the Exchange requires that a Panelist cannot have been retired from the securities industry for more than five years. In order to have the largest number of potential retired Panelists available following the proposed rule change, the Exchange proposes to drop the five-year restriction. The Exchange believes that there are well-qualified persons, in particular retirees, who continue to stay abreast of industry developments and rules after more than five years of retirement and that such persons would be valuable additions to the Hearing Board.

In addition, as noted above, while FINRA's rules permit the Chief Hearing Officer to select one Panelist from the Market Regulation Committee if certain trading-related violations are alleged in the complaint, the Exchange proposes instead to permit the Chief Hearing Officer to select one Floor-Based Panelist to serve on a Hearing Panel if the complaint alleges at least one cause of action involving activities on the Floor of the Exchange, consistent with the Exchange's practice under current NYSE Rule 476(b).

Proposed Rule 9232 would also include certain Panelist selection criteria that are included in FINRA Rule 9232. These criteria are expertise, absence of any conflict of interest or bias or any appearance thereof, availability, and the frequency with which a person has served as a Panelist in the last two years, favoring the selection of a person as a Panelist who has never served or who has served infrequently as a Panelist during the period. NYSE Rule 476(b) currently does not include these criteria.

Proposed NYSE Rules 9233 and 9234 would establish the processes for recusal and disqualification of Hearing Officers, Hearing Panels, or Extended Hearing Panels. The text of the proposed rules is identical to the text in FINRA's counterpart rules. Current NYSE Rule 22 similarly prohibits a person from participating in an adjudication if he or she has a personal interest but does not specifically provide for recusals and disqualifications in the manner in which the comparable FINRA rule does.

Proposed NYSE Rule 9235 would set forth the Hearing Officer's duties and authority in detail. The text of the proposed rule is identical to that in FINRA's counterpart rule. The proposed rule change is similar to current NYSE Rule 476(c), which gives the Hearing Officer general authority in procedural and evidentiary matters.

Proposed NYSE Rules 9240 Through 9242

Proposed NYSE Rules 9241 and 9242 would govern the substantive and procedural requirements for pre-hearing conferences and pre-hearing submissions. The text of the proposed rules is identical to FINRA's counterpart rules, except that the Exchange does not propose to adopt the text of FINRA Rule 9242(b), which provides that no former officer of FINRA may, within one year after termination of employment with FINRA, appear as an expert witness in a proceeding under the Rule 9000 Series except on behalf of FINRA. The Exchange does not believe that it is necessary to bar its former employees from such appearances because its employees generally are not involved in the regulatory and disciplinary functions carried out by FINRA on behalf of the Exchange; as such, their appearance does not create the same type of conflict of interest. As such, proposed NYSE Rule 9242(b) is marked ''Reserved.'' As stated above, current NYSE Rule 476(c) gives Hearing Officers general authority in procedural matters, but there are no specific provisions in the current NYSE rules relating to pre-hearing conferences and submissions.

Proposed NYSE Rules 9250 Through 9253

Proposed NYSE Rules 9250 through 9253 would address discovery, including the requirements and limitations relating to the inspection and copy of documents in the possession of Exchange staff, requests for information and limitations on such requests, and the production of witness statements and any harmless error relating to the production of such witness statements.

Proposed NYSE Rule 9251 would generally require the Department of Enforcement or Department of Market Regulation to make available to a Respondent any documents prepared or obtained in connection with the investigation that led to the proceedings, except that certain privileged or other internal documents, such as examination or inspection reports or documents that would reveal an examination, investigation, or enforcement technique or confidential source, or documents that are prohibited from disclosure under federal law, are not required to be made available. A Hearing Officer may require that a withheld document list be prepared. Proposed NYSE Rule 9251 also sets forth procedures for inspection and copying of produced documents. In addition, if a Document required to be made available to a Respondent pursuant to the proposed Rule was not made available by the Department of Enforcement or the Department of Market Regulation, no rehearing or amended decision of a proceeding already heard or decided would be required unless the Respondent establishes that the failure to make the Document available was not harmless error. The Hearing Officer, or, upon review under proposed NYSE Rule 9310, the Exchange Board of Directors, would determine whether the failure to make the document available was not harmless error, applying applicable Exchange, FINRA, SEC, and federal judicial precedent. The text of the proposed rule is substantially the same as FINRA's counterpart rule, except for conforming and technical changes and changes to reflect the Exchange's retention of its current appeals process, and the addition of the Exchange's consideration of its own precedent with respect to determining harmless error. The proposed Rule would not establish any preference for Exchange versus other precedent in this respect; rather the Adjudicators could determine in their discretion what precedent to apply.

Current NYSE Rule 476(c) contains provisions that address the same subject. As described above, under that rule the Chief Hearing Officer, or any Hearing Officer designated by the Chief Hearing Officer, may require the Exchange to permit a respondent to inspect and copy documents or records in the possession of the Exchange that are material to the preparation of the defense or are intended for use by the Division of the Exchange initiating the proceeding as evidence in chief at the hearing; however, the rule does not authorize the discovery or inspection of reports, memoranda, or other internal Exchange documents prepared by the Exchange in connection with the proceeding. Under the proposed rule, there would be no materiality standard. The Exchange believes that eliminating the materiality standard will ease administration of the rule while still providing appropriate protections for internal Exchange documents.

In addition, under current NYSE Rule 476(c), the respondent may be required to provide discovery of non-privileged documents and records to the Exchange. There is no explicit counterpart in the proposed NYSE or current FINRA rules, but the Exchange notes that proposed

Hearing Board, and the text of proposed NYSE Rule 9232 reflects that. *See supra* note 16.

NYSE Rule 8210 may always be used to obtain non-privileged documents from a Respondent. Thus, in that respect, there is no substantive difference in the result under the current or proposed rules.

Under proposed NYSE Rule 9252, a Respondent could request that the Exchange invoke proposed Rule 8210 to compel the production of Documents or testimony at the hearing if the Respondent can show that certain standards are met, *e.g.,* that the information sought is relevant, material, and non-cumulative. The text of the proposed rule is substantially the same as that in FINRA's counterpart rule, with only technical amendments. Current NYSE Rule 476 provides that a respondent may be required to provide discovery of non-privileged documents to the Exchange.

Under proposed NYSE Rule 9253, a Respondent could file a motion to obtain certain witness statements. The text of the proposed rule is substantially the same as FINRA's counterpart rule, except for conforming and technical changes and changes to reflect the Exchange's retention of its current appeals process. The Exchange's current rules do not contain such a provision.

Proposed NYSE Rules 9260 Through 9269

Proposed NYSE Rules 9260 through 9269 would govern hearings and decisions.

Proposed NYSE Rule 9261 would generally require the Parties to submit a list of documentary evidence and witnesses no later than 10 days before the hearing. The text of the proposed rule is identical to the counterpart FINRA rule. The Exchange's current rules do not contain such a provision.

Proposed NYSE Rule 9262 would require persons subject to the Exchange's jurisdiction to testify under oath or affirmation at a hearing. The proposed rule is substantially the same as FINRA's counterpart rule, with only conforming and technical changes. The Exchange's current rules do not contain such a provision.

Proposed NYSE Rule 9263 would authorize the Hearing Officer to exclude irrelevant, immaterial, or unduly repetitious or prejudicial evidence and a Party to object; excluded evidence would be part of the record. The text of the proposed rule is identical to the text of FINRA Rule 9263. Under current NYSE Rule 476(c), the Chief Hearing Officer or a Hearing Officer resolves all evidentiary issues. There is no explicit provision in the Exchange's current rules for excluded evidence to be included in the record.

Proposed NYSE Rule 9264 would allow Parties to file a motion for summary disposition under certain circumstances and would describe the procedures for filing and ruling on such motion. The text of the proposed rule is identical to the text of FINRA Rule 9264. Under current NYSE Rule 476(c), the Chief Hearing Officer or a Hearing Officer resolves all procedural matters, but the Rule does not specifically address motions for summary disposition. In practice, however, the NYSE Hearing Panels accept and rule on motions for summary disposition.

Proposed NYSE Rule 9265 would require that the hearing be recorded by a court reporter, that a transcript be prepared and made available for purchase, and that a Party be permitted to seek a correction of the transcript from the Hearing Officer. The text of the proposed rule is identical to the text of FINRA Rule 9265. Current NYSE Rule 476(e) provides generally that the Exchange must keep a record of hearings.

Proposed NYSE Rule 9266 would authorize the Hearing Officer to require a post-hearing brief or proposed finding of facts and conclusions of law and would outline the form and timing for such submissions. The text of the proposed rule is identical to the text of FINRA Rule 9266. Under current NYSE Rule 476(c), the Chief Hearing Officer or a Hearing Officer resolves all procedural matters, but the rule does not specifically address such post-hearing activities.

Proposed NYSE Rule 9267 would detail the required contents of the hearing record and the treatment of any supplemental documents attached to the record. The text of the proposed rule is substantially the same as the text of FINRA Rule 9267, except for conforming and technical changes. The Exchange's current rules do not contain such a provision.

Proposed NYSE Rule 9268 would set forth the timing and the contents of a decision of the Hearing Panel or Extended Hearing Panel and the procedures for a dissenting opinion, service of the decision, and any requests for review. The text of the proposed rule is similar to FINRA Rule 9268, except for conforming and technical changes and changes to reflect the Exchange's retention of its appeal process, and except for an additional provision to address the fact that the Exchange has member affiliates.[37] As such, in proposed NYSE Rule 9268, the Exchange proposes to include text providing that a disciplinary decision concerning a member that is an affiliate of the Exchange would not be subject to review under proposed NYSE Rule 9310 but instead would be treated as a final disciplinary action subject to SEC review. The Exchange does not believe that an appeal by an affiliate to the Exchange Board of Directors is appropriate, but rather such affiliate should be permitted to appeal directly to the SEC. The Exchange notes that NASDAQ, which also has a member affiliate, has a rule that is substantially the same as the Exchange's proposed rule.[38] Because the Exchange's member affiliates will still have a right to appeal to the SEC, the Exchange believes that the proposed rule is not unfairly discriminatory.

Finally, proposed NYSE Rule 9269 would establish the process for the issuance and review of default decisions by a Hearing Officer when a Respondent fails to timely answer a complaint or fails to appear at a pre-hearing conference or hearing where due notice has been provided. A Party may, for good cause shown, file a motion to set aside a default decision. The text of the proposed rule is similar to FINRA Rule 9268, except for conforming and technical changes and changes to reflect the Exchange's retention of its appeal process.

Current NYSE Rule 476(d) provides a similar mechanism for default decisions as the proposed rule change. As described above, under the current rule, if the respondent has failed to file an answer, the Division of the Exchange bringing the charges, by motion, accompanied by proof of notice to the respondent, may request a determination of guilt by default, and may recommend a penalty to be imposed. If the respondent opposes the motion, the Hearing Officer, on a determination that the respondent had adequate reason to fail to file an answer, may adjourn the hearing date and direct the respondent to promptly file an answer. If the default motion is unopposed, or the respondent did not have adequate reason to fail to file an answer, or the respondent failed to file an answer after being given an opportunity to do so, the Hearing Officer, on a determination that the respondent has had notice of the charges and that the Exchange has jurisdiction in the matter, may find guilt

[37] The Exchange has one member, Archipelago Securities, Inc., that is an affiliate of the Exchange that is used for inbound and outbound routing of certain orders. *See* NYSE Rule 17(c). The Exchange also has a joint venture with BIDS Holding, LP, an affiliate of which, BIDS Trading L.P., is a member of the Exchange. *See* NYSE Rule 2B.01.

[38] *See* NASDAQ Rule 9268(e)(2).

and determine a penalty. Unlike the proposed rule, the current rule does not contain a provision for setting aside a default decision that has been rendered.

Proposed NYSE Rule 9270

Proposed NYSE Rule 9270 would provide for a settlement procedure for a Respondent who has been notified that a proceeding has been instituted against him or her. The proposed settlement procedure would be different from both FINRA Rule 9270 and the Stipulation and Consent procedure under current NYSE Rule 476(g), which is described above.

Under proposed NYSE Rule 9270(a), a Respondent notified of the institution of a disciplinary proceeding could make a written offer of settlement at any time, but the proposal would not stay the proceeding unless the Hearing Officer determined otherwise. The proposed rule is identical to FINRA's counterpart rule. The proposed rule differs from current NYSE Rule 476(g), which requires that a Stipulation and Consent be agreed to by both the respondent and Exchange staff.

Under proposed NYSE Rule 9270(b), a Respondent would be prohibited from making a frivolous settlement offer or one that was inconsistent with the seriousness of the violations. The proposed rule is identical to FINRA's counterpart rule. Current NYSE Rule 476(g) does not contain a similar provision.

Proposed NYSE Rule 9270(c) would set forth the required content of the proposal, which would include a statement consenting to findings of fact and violations and a proposed sanction. The proposed rule would be substantially the same as FINRA's rule, except for conforming and technical changes and except that it would not require that the proposed sanction be consistent with FINRA's Sanction Guidelines because the Exchange currently does not have Sanction Guidelines and does not propose to follow FINRA's because they are tailored to FINRA's rules, not the Exchange's rules. The Exchange notes that other SROs, such as BATS Exchange, Inc. and Direct Edge, also do not publish sanction guidelines. Current Rule 476(g) similarly requires that a Stipulation and Consent contain proposed findings of facts, violations, and a specified penalty.

Proposed NYSE Rule 9270(d) would provide that submission of a settlement offer waives a Respondent's right to a hearing, to claim bias or ex parte communication violations, and the right to review by the Exchange Board of Directors, the Commission, or the courts. This differs from current NYSE Rule 476(g), which allows either party to request a hearing on a Stipulation and Consent or a Hearing Officer to convene a hearing on a Stipulation and Consent in certain circumstances; in addition, current NYSE Rule 476(g) allows the Exchange Board of Directors to call for review a determination or penalty imposed by a Hearing Panel or Hearing Officer. The Exchange does not believe that it is necessary to preserve the hearing process or call for review in instances where the parties have agreed upon a resolution of the matter and such resolution has been subject to a review by the Office of Disciplinary Affairs, which is independent of the parties. The text of the rule would differ from FINRA's counterpart rule to reflect the Exchange's retention of its appellate process and its designation of its CRO, rather than FINRA's General Counsel, to determine certain procedural matters. In addition, the text of the rule would differ from FINRA's counterpart in that it would delete references to General Counsel, the National Adjudicatory Council, or any member of the National Adjudicatory Council with respect to waiving claims of bias and replace them with references to the CRO, the Exchange Board of Directors, Counsel to the Exchange Board of Directors, or any Director to conform those provisions to the Exchange's proposed rules.

Proposed Rule 9270(e) would address contested settlement offers. Under the proposed rule, if a Respondent made an offer of settlement and the Department of Enforcement or the Department of Market Regulation opposed it, the offer of settlement would be contested and thereby deemed rejected, and thus the proceeding would continue to completion under the proposed NYSE Rule 9200 Series. The contested offer of settlement would not be transmitted to the Office of Hearing Officers, Office of Disciplinary Affairs, or Hearing Panel or Extended Hearing Panel, and would not constitute a part of the record in any proceeding against the Respondent making the offer. The proposed rule differs from FINRA's counterpart rule, FINRA Rule 9270(f), which permits a Hearing Panel or Extended Hearing Panel and the NAC to act on contested offers of settlement. The Exchange has determined that if the Parties cannot reach agreement on the offer of settlement, then the matter should proceed under the proposed Rule 9200 Series. The Exchange believes that its proposed rule would encourage Respondents to make reasonable offers of settlement that will be acceptable to the Department of Enforcement or Department of Market Regulation and is consistent with its current process under NYSE Rule 476(g), which does not contemplate contested settlement offers but rather requires that both the respondent and the Exchange staff agree on the Stipulation and Consent.

Proposed NYSE Rule 9270(f) and (h) would address uncontested settlement offers. Under the proposed rule, if a hearing on the merits had not begun, the Office of Disciplinary Affairs could accept the settlement offer; if a hearing on the merits had begun, the Hearing Panel or Extended Hearing Panel could accept the settlement offer.[39] If they did not, the offer would be deemed withdrawn and the matter would proceed under the proposed NYSE Rule 9200 Series and the settlement offer would not be part of the record. The proposed text is modeled in part on FINRA's counterpart rules, FINRA Rule 9270(e) and (h), but differs in certain key respects. Under FINRA's rules, the NAC ultimately must accept the offer of settlement. Because the Exchange is retaining its appellate process and not utilizing the NAC, the Exchange does not propose to replicate this aspect of FINRA's rules. As discussed above, the Exchange believes that it is unnecessary to have a second level of review of an uncontested settlement offer that is accepted by the Office of Disciplinary Affairs, Hearing Panel, or Extended Hearing Panel, as applicable, because all parties are in agreement with respect to the resolution of the matter.

Proposed NYSE Rule 9270(i) would address disciplinary proceedings with multiple Respondents and permit settlement offers to be accepted or rejected as to any one or all of such Respondents. The text of the proposed rule is identical to FINRA's counterpart rule. Current NYSE Rule 476(c) does not have a similar provision.

Proposed NYSE Rule 9270(j) would provide that a Respondent may not be prejudiced by a rejected offer of settlement nor may it be introduced into evidence. The text of the proposed rule is substantially the same as FINRA Rule 9270(j), except that it references the Office of Disciplinary Affairs and does not include references to the NAC and Review Subcommittee, which the Exchange does not propose to utilize. The current NYSE rules do not have a similar provision.

[39] Because the Exchange does not have sanction guidelines, the Office of Disciplinary Affairs, Hearing Panel, or Extended Hearing Panel, as applicable, would consider Exchange precedent or such other precedent as it deemed appropriate in determining whether to accept the settlement offer.

Proposed NYSE Rule 9280

Proposed NYSE Rule 9280 would set forth sanctions for contemptuous conduct by a Party or attorney or other representative, which may include exclusion from a hearing or conference, and sets forth a process for reviewing such exclusions. The text of the proposed rule is substantially the same as that in FINRA's counterpart rule, except that rather than having the NAC review exclusions, the Exchange proposes to have the Chief Hearing Officer review exclusions. The Exchange does not believe that it is necessary for the Exchange Board of Directors to conduct such reviews, and they do not do so under the Exchange's current rules. The Exchange believes that Respondents and their attorneys and representatives will have adequate procedural protections with a review by the Chief Hearing Officer. Current NYSE Rule 476 does not have similar procedures for contemptuous conduct generally, but NYSE Rule 476(h) does allow for a fine or sanction for improper conduct before a Hearing Board.

Proposed NYSE Rule 9290

The Exchange proposes to adopt the text of FINRA Rule 9290 for expedited disciplinary proceedings. Under proposed NYSE Rule 9290, for any disciplinary proceeding, the subject matter of which also is subject to a temporary cease and desist proceeding initiated pursuant to proposed NYSE Rule 9810 or a temporary cease and desist order, hearings would be required to be held and decisions rendered at the earliest possible time. The text of the proposed rule is identical to FINRA Rule 9290. The Exchange currently does not have a similar rule.

Proposed NYSE Rules 9300 Through 9310

The Exchange is not proposing to adopt FINRA's appellate and call for review processes as set forth in the FINRA Rule 9300 Series. Rather, the text of current NYSE Rule 476(f) and (l) as described above would be moved to proposed NYSE Rule 9310, with certain technical and substantive changes that are described below.

Under proposed NYSE Rule 9310(a)(1), any Party, any Director, and any member of the NYSER Committee for Review could require a review by the Exchange Board of Directors of any determination or penalty, or both, imposed by a Hearing Panel or Extended Hearing Panel under the proposed NYSE Rule 9200 Series, except that neither Party could request a review by the Exchange Board of Directors of a decision concerning an Exchange member that is an affiliate. A request for review would be made by filing with the Secretary of the Exchange a written request therefor, which states the basis and reasons for such review, within 25 days after notice of the determination and/or penalty was served upon the Respondent. The Secretary of the Exchange would give notice of any such request for review to the Parties.

The proposed rule differs from the current rule in one substantive respect. It would eliminate the authority of an Executive Floor Governor to require a review of a disciplinary decision. The Exchange believes that such authority is no longer necessary because the Exchange has moved away from a Floor-only trading model, and the Exchange's roster of member organizations includes those without any Floor presence. Accordingly, the Executive Floor Governors no longer represent the full community of market participants who may be subject to disciplinary action. The text also contains certain conforming and technical changes to align it with terms used in the remainder of the proposed NYSE Rule 9000 Series.

Under proposed NYSE Rule 9310(a)(2), the Secretary of the Exchange would direct the Office of Hearing Officers to complete and transmit a record of the disciplinary proceeding in accordance with NYSE Rule 9267. Within 21 days after the Secretary of the Exchange gives notice of a request for review to the Parties, or at such later time as the Secretary of the Exchange could designate, the Office of Hearing Officers would assemble and prepare an index to the record, transmit the record and the index to the Secretary of the Exchange, and serve copies of the index upon all Parties. The Hearing Officer who participated in the disciplinary proceeding, or the Chief Hearing Officer, would certify that the record transmitted to the Secretary of the Exchange was complete. Current NYSE Rule 476(f) does not contain such requirements; the text is modeled on FINRA Rule 9321.

Under proposed NYSE Rule 9310(b), any review by the Exchange Board of Directors would be based on oral arguments and written briefs and limited to consideration of the record before the Hearing Panel or Extended Hearing Panel. Upon review, the Exchange Board of Directors, by the affirmative vote of a majority of the Exchange Board of Directors then in office, could sustain any determination or penalty imposed, or both, may modify or reverse any such determination, and may increase, decrease or eliminate any such penalty, or impose any penalty permitted under the Exchange's rules, as it deems appropriate. Unless the Exchange Board of Directors otherwise specifically directed, the determination and penalty, if any, of the Exchange Board of Directors after review would be final and conclusive, subject to the provisions for review under the Act. The proposed rule is substantially the same as provided in current NYSE Rule 476(f), other than conforming and technical changes to align it with terms used in the remainder of the proposed NYSE Rule 9000 Series.

Under proposed NYSE Rule 9310(c), notwithstanding the foregoing, if either Party upon review applied to the Exchange Board of Directors for leave to adduce additional evidence, and showed to the satisfaction of the Exchange Board of Directors that the additional evidence was material and that there were reasonable grounds for failure to adduce it before the Hearing Panel or Extended Hearing Panel, the Exchange Board of Directors could remand the case for further proceedings, in whatever manner and on whatever conditions the Exchange Board of Directors considered appropriate. The proposed rule is substantially the same as provided in current NYSE Rule 476(f), other than conforming and technical changes to align it with terms used in the remainder of the proposed NYSE Rule 9000 Series.

Under proposed NYSE Rule 9310(d), notwithstanding any other provisions of the proposed NYSE Rule 9000 Series, the CEO could not require a review by the Exchange Board of Directors under this Rule and would be recused from deliberations and actions of the Exchange Board of Directors with respect to such matters. The proposed rule is substantially the same as provided in current NYSE Rule 476(l), other than conforming and technical changes to align it with terms used in the remainder of the proposed NYSE Rule 9000 Series.

Proposed NYSE Rules 9500 Through 9527

The proposed NYSE Rule 9500 Series would relate to all other proceedings under the Exchange Rules.

The proposed NYSE Rule 9520 Series would govern eligibility proceedings for persons subject to statutory disqualifications that are not FINRA members. The Exchange does not currently have any rules governing this

subject matter.[40] The Exchange intends for the scope of the proposed NYSE Rule 9520 Series to be the same as FINRA Rule 9520 Series, and as such intends to issue a notice similar to FINRA Regulatory Notice 09–19.

Proposed NYSE Rule 9521 would add certain definitions relating to eligibility proceedings that are not currently part of the NYSE's rules, including ''Application,'' ''disqualified member organization,'' ''disqualified person,'' and ''sponsoring member organization.'' Proposed NYSE Rule 9522 would govern the initiation of an eligibility proceeding by the Exchange and the obligation for a member organization to file an application to initiate an eligibility proceeding if it has been subject to certain disqualifications. Further, under the proposed rule, the Department of Member Regulation could approve a written request for relief from the eligibility requirements under certain circumstances. Proposed NYSE Rule 9523 would allow the Department of Member Regulation to recommend a supervisory plan to which the disqualified member organization, sponsoring member organization, and/or disqualified person, as the case may be, may consent and by doing so, waive the right to hearing or appeal if the plan is accepted and the right to claim bias or prejudgment, or prohibited ex parte communications. If such a supervisory plan were rejected, proposed NYSE Rule 9524 would allow a request for review by the applicant to the Exchange Board of Directors. Proposed NYSE Rule 9527 would provide that a filing of an application for review would not stay the effectiveness of final action by the Exchange unless the Commission otherwise ordered.

The text of the proposed rule change is similar to that in FINRA's counterpart rules, except for conforming and technical changes and except as follows. First, under proposed NYSE Rule 9523, if the disqualified member organization, sponsoring member organization, and/or disqualified person executed a letter consenting to a supervisory plan, it would be submitted to the Exchange's CRO. Under FINRA's rule, the letter is submitted to FINRA Office of General Counsel, which submits it to the Chairman of the Statutory Disqualification Committee, acting on behalf of the NAC; the Chairman may accept or reject the plan or refer it to the NAC for action. The Exchange does not propose to utilize the NAC or the Statutory Disqualification Committee Chairman for this purpose. The Exchange believes that its CRO is independent of the Department of Member Regulation and as such can provide an appropriate review. The CRO is performing this same function today when the CRO reviews statutory disqualification decisions reached by FINRA. In addition, under FINRA's rule, the waiver of bias or prejudgment is with respect to the Department of Member Regulation, the FINRA General Counsel, the NAC and any member thereof, while under proposed NYSE Rule 9523, the waiver would be with respect to the Department of Member Regulation, the CRO, the Exchange Board of Directors, or any member thereof to conform to the Exchange's proposed rules.

Second, under proposed NYSE Rule 9524, if the CRO rejects the plan, the member organization or applicant may request a review by the Exchange Board of Directors. This differs from FINRA's process, which provides for a hearing before the NAC and further consideration by the FINRA Board of Directors. Because the Exchange does not propose to utilize the NAC, the Exchange proposes instead that any appeal be heard by the Exchange Board of Directors. FINRA Rule 9525 also allows for discretionary review by the FINRA Board and the Exchange does not propose to adopt a comparable rule.[41] The Exchange Board of Directors historically has not exercised such discretion with respect to statutory disqualification matters and the Exchange believes that the CRO's role in the process will provide sufficient oversight and independence. Third, the Exchange does not propose to adopt the text of FINRA Rule 9526, which provides for expedited proceedings by the FINRA Board of Governors in certain instances. The Exchange believes that its proposed rules for review can be carried out in a timely manner and would sufficiently protect investors. The Exchange historically has not provided an expedited statutory disqualification review. As such, to maintain consistency with FINRA's rule numbering, proposed NYSE Rules 9525 and 9526 would be designated ''Reserved.'' Proposed NYSE Rule 9527 contains only a technical change to FINRA's rule text.

Proposed NYSE Rules 9550 Through 9559

Proposed NYSE Rules 9550 through 9559 would govern expedited proceedings.

The Exchange does not believe that it is necessary to adopt the text of FINRA Rule 9551, which concerns failure to comply with the advertising and sales literature requirements in NASD Rule 2210. All NYSE member organizations that circulate advertising or sales literature are by definition doing business with the public, and therefore must be members of FINRA and are already subject to FINRA Rules 2210 and 9551. In addition, under the SEC Rule 17d–2 agreement, FINRA is allocated responsibility for NYSE Rule 472, NYSE's counterpart to NASD Rule 2210.[42] As such, proposed NYSE Rule 9551 would be designated ''Reserved'' to maintain consistency with FINRA's rule numbering.

Proposed NYSE Rule 9552 would establish procedures in the event that a member organization or covered person failed to provide any information, report, material, data, or testimony requested or required to be filed under the Exchange's rules, or failed to keep its membership application or supporting documents current. In the event of the foregoing, under proposed NYSE Rule 9552, the member organization or covered person could be suspended if corrective action were not taken within 21 days after service of notice. A member organization or covered person served with a notice could request a hearing within the 21-day period. A member organization or covered person subject to a suspension could file a written request for termination of the suspension on the ground of full compliance. A member organization or covered person suspended under the proposed rule change that failed to request termination of the suspension within three months of issuance of the original notice of suspension would automatically be expelled or barred.[43]

[40] FINRA has been processing statutory disqualification applications on behalf of the Exchange since 2007. *See supra* notes 4 and 6.

[41] Proposed NYSE Rule 9559(q), which provides for calls for review by the Exchange Board of Directors of proposed decisions by a Hearing Officer or Hearing Panel rendered under the proposed NYSE Rule 9550 Series, does not apply to the proposed NYSE Rule 9520 Series because the statutory disqualification proceedings provide for staff determinations rather than adjudicatory decisions by a Hearing Officer or Hearing Panel.

[42] *See supra* note 4.

[43] The Exchange believes that the provision for automatic expulsion or bar after three months is consistent with Section 6 of the Act because the respondent would have ample notice and opportunity to be heard under proposed NYSE Rule 9552, the proposed rule is substantially the same as FINRA's counterpart rule, and the Commission has upheld at least one bar under a prior version of FINRA's rule. *See, e.g.,* Dennis A. Pearson, Jr., Securities Exchange Act Rel. Nos. 54913 (December 11, 2006) (dismissing application for review by associated person barred under NASD Rule 9552(h))

Continued

The text of the proposed rule change is substantially the same as that in FINRA's counterpart rule, except for conforming and technical changes and except that it does not include the text of FINRA Rule 9552(i), which requires a notice to FINRA's membership of final action under the rule. The Exchange does not propose to include a notice requirement because it would be duplicative of proposed NYSE Rule 8313.

There is no provision for such an expedited proceeding under the NYSE's current rules. Under current NYSE Rule 476(a)(11), a member organization or covered person is subject to a regular, as opposed to expedited, disciplinary proceeding for failure to submit books and records or provide testimony upon request of the Exchange and for failure to update a Form BD.

The Exchange does not propose to adopt the text of FINRA Rule 9553, which concerns failure to pay fees, dues, assessments or other charges. As described above, the Exchange proposes to adopt the text of FINRA Rule 8320, which addresses the non-payment of fines and monetary sanctions and would continue to use NYSE Rule 309 for non-payment of all other amounts due to the Exchange. Accordingly, proposed NYSE Rule 9553 would be designated ''Reserved'' to maintain consistency with FINRA's rule numbering.

Proposed NYSE Rule 9554 would contain similar procedures and consequences as proposed NYSE Rule 9552 relating to a failure to comply with an arbitration award or related settlement or an Exchange order of restitution or Exchange settlement agreement providing for restitution. Under proposed NYSE Rule 9554, if a member organization or covered person failed to comply with an arbitration award or a settlement agreement related to an arbitration or mediation under the Exchange's rules, or an Exchange order of restitution or Exchange settlement agreement providing for restitution, Exchange staff could provide written notice to such covered person or member organization stating that the failure to comply within 21 days of service of the notice will result in a suspension or cancellation of membership or a suspension from associating with any member organization. The text of the proposed rule change is substantially the same as that in FINRA's counterpart rule, except for technical and conforming changes, and except that it does not include the text of FINRA Rule 9554(h), which requires a notice to FINRA's membership of final action under the Rule, because it would be duplicative of proposed NYSE Rule 8313. Under current NYSE Rule 600A(c), the failure to honor an arbitration award subjects a member organization, member, or registered person to a regular disciplinary proceeding under NYSE Rule 476.

Proposed NYSE Rule 9555 would govern the failure to meet the eligibility or qualification standards or prerequisites for access to services offered by the Exchange. Under proposed NYSE Rule 9555, if a member organization or covered person did not meet the eligibility or qualification standards set forth in the Exchange's rules, Exchange staff could provide written notice to such covered person or member organization stating that the failure to become eligible or qualified will result in a suspension or cancellation of membership or a suspension or bar from associating with any member organization. Similarly, if a member organization or covered person did not meet the prerequisites for access to services offered by the Exchange or a member organization thereof or could not be permitted to continue to have access to services offered by the Exchange or a member organization thereof with safety to investors, creditors, members, or the Exchange, Exchange staff could provide written notice to such member organization or covered person limiting or prohibiting access to services offered by the Exchange or a member organization thereof. The limitation, prohibition, suspension, cancellation, or bar referenced in the notice would become effective 14 days after service of the notice unless the member organization or covered person requested a hearing during that time, except that the effective date for a notice of a limitation or prohibition on access to services would be upon service of the notice. The text of the proposed rule change is substantially the same as that in FINRA's counterpart rule, except for conforming and technical changes and except that it does not include the text of FINRA Rule 9555(h), which requires a notice of final action under the Rule, because it would be duplicative of proposed NYSE Rule 8313.

As described above, under Rule 475(a), the Exchange currently may prohibit or limit access to services offered by the Exchange or any member or member organization thereof if the Exchange has provided 15 days' prior written notice of, and an opportunity to be heard upon, the specific grounds for such prohibition or limitation, and provides a written decision.

Proposed NYSE Rule 9556 would provide procedures and consequences for a failure to comply with temporary and permanent cease and desist orders, which would be authorized by proposed NYSE Rule 9810. The text of proposed NYSE Rule 9556 is the same as FINRA Rule 9556, except in the following respects. First, the text contains conforming and technical changes. Second, under FINRA's rule, FINRA's CEO authorizes proceedings under FINRA Rule 9556; under the Exchange's proposed rule, the Exchange's CRO would have such authority. Third, FINRA's rule permits service of process by facsimile; the Exchange does not believe that this alternative service method is necessary and the service methods permitted under proposed NYSE Rule 9134 (which are identical to FINRA Rule 9134) would be sufficient. Finally, the Exchange does not propose to include a notice to its membership of decisions under the rule, as FINRA does, because it would be duplicative of proposed NYSE Rule 8313. The Exchange currently does not issue temporary or permanent cease and desist orders and, as such, there is no counterpart in the Exchange's current rules.

Proposed NYSE Rule 9557 would allow the Exchange to issue a notice directing a member organization to comply with the provisions of NYSE Rule 4110 (Capital Compliance), 4120 (Regulatory Notification and Business Curtailment), or 4130 (Regulation of Activities of Section 15C Member Organizations Experiencing Financial and/or Operational Difficulties) or otherwise directing it to restrict its business activities. The notice would be immediately effective, except that a timely request for a hearing would stay the effective date for 10 business days (unless the Exchange's CRO determined otherwise) or until an order was issued by the Office of Hearing Officers, whichever was earlier. The notice could be withdrawn upon a showing that all the requirements were met.

The text of the proposed rule change is substantially the same as that in FINRA Rule 9557, except in the following respects. First, the text contains conforming and technical changes. Second, under FINRA's rule, FINRA's CEO exercises authority with respect to stays under the rule; under the Exchange's proposed rule, the Exchange's CRO would have such authority. Third, FINRA's rule permits service of process by facsimile; the Exchange does not believe that this alternative service method is necessary

and 55597A (April 6, 2007) (denying motion for reconsideration).

for the reasons stated above. Finally, the Exchange does not propose to include a notice to its membership of decisions under the rule, as FINRA does, because it would be duplicative of proposed NYSE Rule 8313.

Currently, if a member organization fails to comply with NYSE Rule 4110, 4120, or 4130 (which are substantially the same as FINRA Rules 4110, 4120, and 4130), the Exchange issues a notice, for FINRA members, pursuant to FINRA Rule 9557, and for member organizations that are not FINRA members, pursuant to NYSE Rule 475(b), which authorizes summary suspensions, as described above.

Proposed NYSE Rule 9558 would allow the Exchange's CRO to provide written authorization to the Exchange staff to issue a written notice for a summary proceeding for an action authorized by Section 6(d)(3) of the Act. Such notice would be immediately effective. The text of the proposed rule change is substantially the same as that in FINRA Rule 9558, except as follows. First, the text contains conforming and technical changes. Second, under FINRA's rule, FINRA's CEO authorizes such proceedings. Third, FINRA's rule permits service of process by facsimile; the Exchange does not believe that this alternative service method is necessary for the reasons stated above. Finally, the Exchange does not propose to include a notice to its membership of decisions under the rule, as FINRA does, because it would be duplicative of proposed NYSE Rule 8313. Such summary proceedings are currently authorized under NYSE Rule 475(b), under which the Exchange has authority to summarily suspend a member organization that is expelled or suspended by another SRO or a covered person that is barred or suspended by an SRO or limit or prohibit any person with respect to access to Exchange services in certain circumstances; while this rule also provides for notice and an opportunity for a hearing, it does not set forth a specific time limit for requesting a hearing.

Proposed NYSE Rule 9559 would set forth uniform hearing procedures for all expedited proceedings under the proposed NYSE Rule 9550 Series. Proposed NYSE Rule 9559 differs from FINRA Rule 9559 as follows. First, any call for review would be conducted by the Exchange's Board of Directors rather than FINRA's NAC. Second, the Exchange would not utilize current or former members of the FINRA Financial Responsibility Committee for proceedings initiated under proposed NYSE Rule 9557, as FINRA does under its counterpart rule. The Exchange would use the same pool of Hearing Panelists from the Hearing Board as it uses for other proceedings. Third, any instance in FINRA's rule that authorized FINRA's CEO to act would instead authorize the Exchange's CRO to act. Fourth, the Exchange does not propose to adopt the text of FINRA Rule 9559(r), which provides for the publication of decisions under the Rule, because it would be duplicative of proposed NYSE Rule 8313. Fifth, the Exchange does not propose to adopt the text of FINRA Rule 9559(q)(1) that sets forth 14-day and 21-day call for review periods because a call for review period would be described in proposed NYSE Rule 9310. Proposed NYSE Rule 9559(q)(1) will instead state that calls for review would be conducted in accordance with proposed NYSE Rule 9310, which, consistent with the time period in current NYSE Rule 476(f), would provide for a 25-day call for review period. Finally, the proposed text contains conforming and technical changes. Currently, the Exchange does not have a rule comparable to FINRA Rule 9559.

Proposed NYSE Rule 9600 Series

The Exchange proposes to adopt a new NYSE Rule 9600 Series, which would set forth procedures by which a member organization could seek exemptive relief from current NYSE Rules 4311(carrying agreements) and 4360 (fidelity bonds) and proposed NYSE Rule 8211 (submission of electronic blue sheet data). Under proposed NYSE Rule 9610, a member organization seeking exemptive relief would be required to file a written application with the appropriate department or staff of the Exchange and provide a copy of the application to the CRO. Under proposed NYSE Rule 9620, after considering the application, the Exchange staff would be required to issue a written decision setting forth its findings and conclusions. The decision would be served on the Applicant pursuant to proposed NYSE Rules 9132 and 9134. Under proposed NYSE Rule 9630, an Applicant that wished to appeal the decision would be required to file a written notice of appeal with the Exchange's CRO within 15 calendar days after service of the decision. Under proposed NYSE Rule 9630(e), the CRO would affirm, modify, or reverse the decision issued under proposed NYSE Rule 9620 and issue a written decision setting forth his or her findings and conclusions and serve the decision on the Applicant. The decision would be served pursuant to proposed NYSE Rules 9132 and 9134, would be effective upon service, and would constitute final action of the Exchange.

The rule text would be modeled on FINRA's Rule 9600 Series; the Exchange's proposed rules primarily differ from FINRA's in that they contain technical and conforming changes and that the Exchange's CRO, rather than FINRA's Office of General Counsel, would receive the request and any notice of appeal, and the CRO, rather than FINRA's NAC, would carry out the proposed appellate process.[44] Currently, NYSE Rule 410A(d) permits a member organization to seek an exception from the data format elements for submitting electronic blue sheets for transactions effected on the Exchange, but the Rule does not set forth specific procedures for doing so. Current NYSE Rule 4360, which concerns fidelity bonds, references FINRA's exemptive process; this rule would be amended to delete the reference to the FINRA Rule 9600 Series as the Exchange would now have its own such provisions.

Proposed NYSE Rule 9700 Series

FINRA's Rule 9700 Series provides redress for persons aggrieved by the operations of any automated quotation, execution, or communication system owned or operated by FINRA. As this would be inapplicable to the Exchange, the Exchange proposes to designate the proposed NYSE Rule 9700 Series as reserved to maintain consistency with FINRA's rule numbering conventions. The Exchange notes that under current NYSE Rule 18, if a member organization suffers a loss related to an Exchange system failure, it can submit a claim pursuant to the procedures of that rule.

Proposed NYSE Rule 9800 Series

The Exchange proposes to adopt a new NYSE Rule 9800 Series to set forth procedures for issuing temporary cease and desist orders. Under proposed NYSE Rule 9810, with the prior written authorization of the Exchange's CRO or such other senior officers as the CRO may designate, FINRA's Department of Enforcement or the Department of Market Regulation could initiate a temporary cease and desist proceeding with respect to alleged violations of Section 10(b) of the Act, SEC Rules 10b–

[44] Currently, the FINRA Rule 9600 Series also permits FINRA members to seek exemptive relief from other rules—NASD Rules 1021, 1050, 1070, 2210, 2340, 3010(b)(2), or 3150, or FINRA Rules 2114, 2310, 2359, 2360, 4210, 4320, 5110, 5121, 5122, 5130, 6183, 6625, 6731, 7470, 8213, 11870, or 11900, or Municipal Securities Rulemaking Board Rule G–37. If NYSE adopts similar rules in the future as part of the rules harmonization project, it will consider permitting member organizations to seek exemptive relief through the NYSE Rule 9600 Series.

5 and 15g–1 through 15g–9, NYSE Rule 2010 (if the alleged violation is unauthorized trading, or misuse or conversion of customer assets, or is based on violations of Section 17(a) of the Securities Act of 1933) or NYSE Rule 2020. Proposed NYSE Rule 9820 would govern the appointment of a Hearing Officer and Panelists.

Under proposed NYSE Rule 9830, the hearing would be held not later than 15 days after service of the notice and filing initiating the temporary cease and desist proceeding, unless otherwise extended by the Hearing Officer with the consent of the Parties for good cause shown. Proposed NYSE Rule 9830 would govern how the hearing was conducted.

Under proposed NYSE Rule 9840, the Hearing Panel would be authorized to issue a written decision stating whether a temporary cease and desist order would be imposed. The Hearing Panel would be required to issue the decision not later than 10 days after receipt of the hearing transcript, unless otherwise extended by the Hearing Officer with the consent of the Parties for good cause shown. Under proposed NYSE Rule 9850, at any time after the Office of Hearing Officers served the Respondent with a temporary cease and desist order, a Party could apply to the Hearing Panel to have the order modified, set aside, limited, or suspended. The Hearing Panel generally would be required to respond to the request in writing within 10 days after receipt of the request. Proposed NYSE Rule 9860 would authorize the initiation of a suspension or cancellation of a Respondent's association or membership under proposed NYSE Rule 9556 if the Respondent violated a temporary cease and desist order.

Finally, proposed NYSE Rule 9870 would provide that temporary cease and desist orders issued under the proposed NYSE Rule 9800 Series would constitute final and immediately effective disciplinary sanctions imposed by the Exchange, and that the right to have any action under this rule series reviewed by the Commission would be governed by Section 19 of the Act. The filing of an application for review would not stay the effectiveness of the temporary cease and desist order, unless the Commission otherwise ordered.

The proposed rule text would be substantially the same as that in FINRA's Rule 9800 Series, except for conforming and technical amendments and except that the Exchange's CRO, rather than FINRA's CEO, would authorize the initiation of temporary cease and desist proceedings and the initiation of suspension or cancellation proceedings for a violation of a temporary cease and desist order. As noted above, the Exchange currently does not have procedures comparable to FINRA's Rule 9800 Series.

Technical and Conforming Changes

The Exchange proposes technical and conforming changes to NYSE Rules 2A, 20, 36, 103B, 309, 345A, 600A, 619, 772, 1301, 1301A, 1301B, 4110, 4120, 4130, and 4360 and NYSE Rule Interpretation 345A.

NYSE Rule 2A would be amended to specify that the list of disciplinary sanctions currently set forth in that Rule would apply to proceedings under current NYSE Rules 475 and 476, and the list of disciplinary sanctions set forth in proposed NYSE Rule 8310(a) would apply to proceedings initiated under the proposed NYSE Rule 9000 Series.

Current NYSE Rule 20(b) requires that NYSE Regulation establish a Regulatory Advisory Committee, which includes persons associated with member organizations and representatives of both those member organizations doing business on the Floor of the Exchange and those who do not do business on the Floor. The Regulatory Advisory Committee acts in an advisory capacity regarding disciplinary matters and regulatory rules other than trading rules. The Exchange proposes to delete the reference to the Regulatory Advisory Committee acting in an advisory capacity regarding disciplinary matters because it would not perform such a function under the proposed rule change—only the Adjudicators specified under the proposed rule change would have authority over disciplinary proceedings. The Regulatory Advisory Committee has not performed this function since FINRA assumed responsibility for the Exchange's disciplinary proceedings; as such, the Exchange proposes to remove this out-of-date reference in NYSE Rule 20(b).

NYSE Rule 36 would be amended to include a reference to proposed NYSE Rule 9558, which relates to summary proceedings for actions authorized by Section 6(d)(3) of the Act.

NYSE Rule 103B would be amended to include references to the proposed NYSE Rule 8000 Series and Rule 9000 Series, which would contain proceedings for which a Designated Market Maker (''DMM'') unit could lose its registration in a specialty stock.

As noted above, NYSE Rule 309 would be amended to replace the term ''allied member'' with ''principal executive'' [45] and update a cross-reference.

NYSE Rule 345A would be amended to delete a reference to NYSE Rule 346(f) because NYSE Rule 346 was recently deleted in its entirety.

NYSE Rule 600A would be amended to correct typographical errors in the rule title, include references to the disciplinary proceedings of the proposed NYSE Rule 8000 Series and Rule 9000 Series for failure to honor an arbitration award, and change references from ''NASD DR'' to ''FINRA.''

NYSE Rule 619 would be amended to include a reference to proposed NYSE Rule 8210, which would govern the authority of the Exchange to request information and testimony.

NYSE Rule 772 would be amended to include references to the disciplinary proceedings of the proposed NYSE Rule 8000 Series and Rule 9000 Series, which would govern ways in which a member organization may be suspended.

NYSE Rules 1301, 1301A, and 1301B would be amended to include a reference to the proposed NYSE Rule 8000 Series, which would govern the production of books and records, and replace the term ''allied member'' with ''principal executive.[46]

NYSE Rules 4110, 4120, and 4130 would be amended to revise a cross-reference to FINRA Rule 9557 as the Exchange proposes to adopt NYSE Rule 9557.

NYSE Rule 4360 would be amended to provide that any request for an exemption would be processed under the proposed NYSE Rule 9600 Series rather than FINRA rules.

NYSE Rule Interpretation 345A would be amended to include a reference to the proposed Rule 9000 Series, which would govern the time periods allowed to appeal or request a review.

Certain Current Exchange Rules Not Included in Proposed Rule Text

Certain aspects of current Exchange rules described above would not be included in the proposed NYSE Rule 8000–9000 Series, either because the Exchange does not believe they are necessary or the authority is implicit in the proposed rule change.

First, under current NYSE Rule 475(f), any person suspended under current Rule 475 may, at any time, be reinstated by the Exchange Board of Directors. The Exchange does not believe that it would continue to be appropriate for the Exchange Board of Directors to have the authority to overturn a suspension imposed by another Adjudicator in light of the detailed procedural rules, comprehensive protections to Respondents, and continued availability

[45] *See supra* note 16.

[46] *Id.*

of the Exchange's appeals process under the proposed rule change.

Second, under current NYSE Rules 475(g) and 476(k), any person suspended under such rules may be disciplined in accordance with the Exchange's rules for any offense committed before or after the suspension. The Exchange believes that such authority is implicit in proposed NYSE Rule 9211 and need not be express in the proposed rule change.

Under current NYSE Rules 475(h) and 476(j) and (k), a suspended person is deprived during the term of the suspension of all rights and privileges of membership, and any suspension of a member or allied member creates a vacancy in any office or position held by such member or allied member. The Exchange believes that this is implicit in the concept of a suspension and need not be express in the proposed rule change.

Under current NYSE Rule 476(i), a member or allied member of the Exchange who is associated with a member organization is liable to the same discipline and penalties for any act or omission of such member organization as for the member or allied member's own personal act or omission. The Hearing Panel that considers the charges may relieve him from the penalty therefor or may adjust the penalty on such terms and conditions as the Hearing Panel or the Exchange Board of Directors deems fair and equitable. The Exchange believes that this authority is contained in proposed rule change because complaints may be brought against both member organizations and covered persons and are subject to review by Hearing Panel and the Exchange Board of Directors.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[47] in general, and furthers the objectives of Section 6(b)(5) of the Act,[48] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. In addition, the Exchange believes that the proposed rule furthers the objectives of Section 6(b)(7) of the Act,[49] in particular, in that it provides fair procedures for the disciplining of members and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the Exchange of any person with respect to access to services offered by the Exchange or a member thereof. In addition, the Exchange believes that the proposed rule change furthers the objectives of Section 6(b)(3) of the Act,[50] in particular, in that it supports the fair representation of members [51] in the administration of the Exchange's affairs.

The proposed changes will provide greater harmonization between Exchange and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for dual members. As previously noted, in many instances the proposed rule text is identical to FINRA's current rule text,[52] which already has been approved by the Commission, and in many other cases the differences between current FINRA rules and the proposed rules would be strictly technical in nature.[53] As such, the proposed rule change will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

Certain key aspects of the Exchange's disciplinary proceedings would be retained. In particular, the Exchange would retain its current selection process for Hearing Panelists. The Exchange believes that it is necessary to do so in order to provide a fair procedure to its member organizations and covered persons, some of which are not subject to FINRA's jurisdiction. As such, the Exchange's Hearing Panelists cannot be drawn solely from a pool of FINRA members and associated persons but rather must include NYSE-only member organizations and persons with experience in NYSE Floor matters in order for the Exchange's members to have a fair representation in its affairs. For the same reasons, the Exchange also believes that its current Board of Directors remains the appropriate body for appeals or reviews of initial disciplinary decisions because its Board of Directors includes fair representation candidates from its membership. A FINRA-only appellate body would not provide such representation. Similarly, the Exchange believes that its CRO is better suited to resolving certain procedural matters and rendering certain decisions under the proposed rule change because the Exchange's CRO will have greater familiarity with the Exchange's rules and membership than would FINRA's General Counsel.

The Exchange further believes that the proposed processes for settling disciplinary matters both before and after the issuance of a complaint are fair and reasonable. While such proposed rules differ both from certain aspects of the Exchange's current Stipulation and Consent process and FINRA's current settlement processes, the Exchange believes that the proposed rule change nonetheless provides adequate procedural protections to all Parties and promotes efficiency. In particular, the Exchange believes that it would be fair and efficient to have the Office of Disciplinary Affairs act as a check and balance against the agreements reached by the Parties for resolving disciplinary matters.

Finally, the Exchange would retain its list of minor rule violations, which have already been approved by the Commission,[54] with certain technical and conforming amendments, while adopting FINRA's minor rule violation fine levels and process for imposing them, which also have already been approved by the Commission.[55]

B. Self-Regulatory Organization's Statement on Burden on Competition

The [sic] Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather is designed to provide greater harmonization between Exchange and FINRA rules of similar purpose for investigations and disciplinary matters, resulting in less burdensome and more efficient regulatory compliance for dual members and facilitating FINRA's performance of its regulatory functions under the RSA.

[47] 15 U.S.C. 78f(b).

[48] 15 U.S.C. 78f(b)(5).

[49] 15 U.S.C. 78f(b)(7).

[50] 15 U.S.C. 78f(b)(3).

[51] The Exchange's equivalent to the term ''member'' in this context is ''member organization.'' *See supra* note 10.

[52] *See supra* note 9.

[53] *See supra* note 17.

[54] The most recent amendments to the Exchange's minor rule violation plan were approved in Securities Exchange Act Release No. 66758 (April 6, 2012) 77 FR 22032 (April 12, 2012) (SR–NYSE–2012–05).

[55] *See* FINRA Rule 9216(b).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2013–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2013–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2013–02, and should be submitted on or before February 14, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[56]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–01375 Filed 1–23–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68684; File No. SR–NSX–2013–01]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Provide for the Payment of Exchange Fees Through an Integrated Billing Process

January 17, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 10, 2013, National Stock Exchange, Inc. (''NSX®'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is proposing to: (1) define the term ''Clearing Member'' under Exchange Rule 1.5; and (2) adopt Exchange Rule 16.4 to allow Equity Trading Permit (''ETP'')[3] Holders to pay their Exchange and vendor invoices for Exchange-related services through the Exchange's integrated billing system (''IBS'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nsx.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to: (1) define the term ''Clearing Member'' under Exchange Rule 1.5; and (2) adopt Exchange Rule 16.4 to allow ETP Holders to pay their Exchange and vendor invoices for Exchange-related services through the Exchange's IBS.

Definition of Clearing Member

The Exchange is proposing to: (1) define the term ''Clearing Member'' under Exchange Rule 1.5 as ''[a]n ETP Holder that is a member of a Qualified Clearing Agency defined in Section Q below.'' Section Q of Exchange Rule 1.5 defines ''Qualified Clearing Agency'' as ''a clearing agency registered with the Commission pursuant to Section 17A of the Act that is deemed qualified by the Exchange.'' In adding a definition of Clearing Member to Exchange Rule 1.5, the Exchange does not propose to add a new category of Exchange member or alter current ETP Holder obligations. The Exchange simply proposes this definition to describe ETP Holders that may also be members of a Qualified Clearing Agency as a means to add clarity to the integrated billing solution

[56] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Rule 1.5 defines the term ''ETP'' as an Equity Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities.

under proposed Exchange Rule 16.4, described below.

Integrated Billing Solution

The Exchange also proposes to adopt Exchange Rule 16.4 to allow ETP Holders to pay their Exchange and vendor invoices for Exchange-related services through the Exchange's IBS, unless payment by check of [sic] bank transfer is agreed to between the Exchange and ETP Holder.[4] In lieu of payment by check or bank transfer, ETP Holders will now be required to designate an ETP Holder that is also Clearing Member (as defined above) to pay their Exchange invoices via IBS. The ETP Holder will continue to receive monthly statements which outline their monthly fees and charges. The Clearing Member will pay to the Exchange on a timely basis any amount that the ETP holder does not dispute. The Exchange will obtain these payments from the Clearing Member's account at the Qualified Clearing Agency. The Qualified Clearing Agency will not be liable in connection with its forwarding to the Exchange each month a payment representing the total amount that the Exchange advises the Qualified Clearing Agency is owed to the Exchange.

Payment of invoices via the Exchange's IBS will increase efficiency and reduce financial risk by allowing the Exchange to draft against the Clearing Member's account the amount due rather than invoicing each ETP Holder separately and awaiting payment via check or bank transfer. In addition, the Exchange notes the Chicago Board Options Exchange, Inc. (''CBOE'')[5] has implemented a similar process for the payment of invoices by its members. The only difference between CBOE's requirements and those proposed by the NSX, is that the CBOE rule appears to required [sic] payment via IBS as mandatory for all its members, while the NSX's proposed rule would allow alternative payment methods if agreed to with the Exchange.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6 of the Act,[6] and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change furthers the objective of Section 6(b)(5) of the Act[8] because allowing ETP Holders to pay their Exchange and vendor invoices via IBS is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to transactions in securities, and to remove impediments to and perfects [sic] the mechanism of a free and open market and a national market system. Payment of invoices via the Exchange's IBS would increase efficiency and reduce financial risk by allowing the Exchange to draft against the Clearing Member's account the amount due, rather than the ETP Holder paying their invoices via check or bank transfer each month. Lastly, the Exchange notes that the proposed rule change is not unfairly-discriminatory because payment of invoices via IBS is voluntary and each ETP Holder is able to continue to remit payment of their invoices by check or bank transfer.

The Exchange believes the proposed definition of ''Clearing Member'' under Exchange Rule 1.5 is consistent with Section 6 of the Act,[9] and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed definition furthers the objective of Section 6(b)(5) of the Act[11] because the proposed definition of ''Clearing Member'' is designed to describe ETP Holders who may also be members of a Qualified Clearing Agency, thereby adding clarity to the IBS under proposed Exchange Rule 16.4. Therefore, the Exchange believes the proposed definition of ''Clearing Member'' fosters cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to transactions in securities, and removes impediments to and perfect [sic] the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will provide ETP Holders the choice of paying their invoices through IBS rather than via check or bank transfer, which is designed to increase efficiency and reduce financial risk. The proposed definition of ''Clearing Member'' under Exchange Rule 1.5 is designed to add clarity to the integrated billing solution under proposed Exchange Rule 16.4 and does not propose to add a new category of Exchange members or alter current ETP Holder obligations. Therefore, the Exchange believes the proposed rule change does not impose a burden on competition because ETP Holders are free to choose the payment method they wish.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)[12] of the Act and Rule 19b–4(f)(6)[13] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) of the Act[14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii) of the Act,[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that ETP Holders may use the IBS system for invoicing and payment processing immediately. The Commission believes

[4] The Exchange represents that, in the Exchange's written agreement with each vendor for which the Exchange will collect payments via IBS, the Exchange will require the vendor to include a provision in the vendor's written agreement with each member from which payments via IBS will be collected in which the member authorizes NSX to assess and collect from the member through NSX's billing procedures and automated systems, on behalf of the vendor, the fees assessed by the vendor to the member for the vendor's service. The Exchange does not currently collect payments from ETP Holders for vendor invoices, but may do so in the future.

[5] CBOE Rule 3.23.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of the filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will facilitate a more efficient method for ETP Holders to pay invoices to the Exchange and for the Exchange to collect undisputed payments owed by ETP Holders to the Exchange and to vendors.[16] Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NSX–2013–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NSX–2013–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSX–2013–01, and should be submitted on or before February 14, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–01376 Filed 1–23–13; 8:45 am]

BILLING CODE 8011–01–P

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

TRADE REPRESENTATIVE

Request for Comments on an International Services Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: On January 15, 2013, the United States Trade Representative notified Congress of the Administration's intention to enter into negotiations for an International Services Agreement (ISA) with an initial group of 20 trading partners. The Office of the United States Trade Representative (USTR) is seeking public comments regarding U.S. interests and priorities with regard to this initiative. Comments may be provided in writing and orally at a public hearing.

DATES: Persons wishing to testify orally at the hearing must provide written notification of their intention, as well as their testimony, by February 26, 2013. The hearing will be held in Washington, DC, on March 12, 2013. Written comments are due by noon, February 26, 2013.

ADDRESSES: *Submissions via on-line: http://www.regulations.gov.* For alternatives to on-line submissions please contact Yvonne Jamison at (202) 395–3475.

FOR FURTHER INFORMATION CONTACT: For questions concerning requirements for written comments, please contact Yvonne Jamison at (202) 395–3475. All other questions regarding this notice should be directed to Amanda Horan at (202) 395–4510.

SUPPLEMENTARY INFORMATION: The following twenty trading partners have expressed their intention to participate in negotiations with the United States to establish an ISA: Australia, Canada, Chile, Chinese Taipei, Colombia, Costa Rica, European Union on behalf of its member states, Hong Kong China, Iceland, Israel, Japan, Korea, Mexico, New Zealand, Norway, Pakistan, Panama, Peru, Switzerland, and Turkey. This group, which may expand as the negotiations proceed, includes a range of developed and developing economies, representing nearly two-thirds of global trade in services.

The agreement envisioned will place a high priority on enabling U.S. service suppliers to compete on the basis of quality and competence rather than nationality. The scope would be comprehensive, permitting the coverage of all services. To remain relevant into the future, the agreement would be flexible enough to address new issues arising in the global marketplace and changes in the way services are traded.

The Chair of the interagency Trade Policy Staff Committee (TPSC) invites interested persons to provide written comments and/or oral testimony at a public hearing that will assist USTR in assessing U.S. objectives for the proposed agreement. The TPSC Chair invites comments on all relevant matters, and, in particular, on the following:

(a) Economic costs and benefits to U.S. service suppliers and consumers of eliminating barriers to services traded either on a cross-border basis or through a foreign commercial presence; (b) existing barriers to trade in services that should be addressed; (c) areas where existing international rules governing services trade, such as those found in the General Agreement on Trade in Services and U.S. free trade agreements, could be strengthened or enhanced; (d) relevant issues related to the supply of services through various modes of supply and technologies.

Public Comment

Requirements for Submissions

A hearing will be held on March 12, 2013, in Rooms 1 and 2, 1724 F Street NW., Washington, DC. Persons wishing to testify at the hearing must provide written notification of their intention by February 26, 2013. The notification should include: (1) The name, address, and telephone number of the person presenting the testimony; and (2) a short (one or two paragraph) summary of the presentation, including the subject matter and, as applicable, the service sector(s) or subjects to be discussed. A copy of the testimony must accompany the notification. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC. Persons with mobility impairments who will need special assistance in gaining access to the hearing should contact Yvonne Jamison at (202) 395–3475.

Persons submitting written comments must do so in English and must identify (on the first page of the submission) ''International Services Agreement.'' In order to be assured of consideration, comments should be submitted by noon, February 26, 2013. In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the *http://www.regulations.gov* Web site. Comments should be submitted under the following docket: USTR–2013–0001. To find the docket, enter the docket number in the ''Enter Keyword or ID'' window at the *http://www.regulations.gov* home page and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''Notices'' under ''Document Type'' on the search-results page, and click on the link entitled ''Comment Now!'' (For further information on using the *http://www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on the ''Help'' tab.)

The *http://www.regulations.gov* Web site provides the option of making submissions by filling in a ''Type Comment'' field, or by attaching a document using the ''Upload File'' field. USTR prefers submissions to be provided in an attached document. If a document is attached, it is sufficient to type ''See attached'' in the ''Type Comment'' field. USTR also prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''Comments'' field. For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC.'' Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions containing business confidential information must also submit a public version of their comments. The file name of the public version should begin with the character ''P.'' The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the character ''P,'' followed by the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

USTR strongly urges submitters to file comments through *http://www.regulations.gov,* if at all possible. Any alternative arrangements must be made with Yvonne Jamison in advance of transmitting a comment. Ms. Jamison should be contacted at (202) 395–3475. General information concerning USTR is available at *http://www.ustr.gov.*

Public Inspection of Submissions

Comments will be placed in the docket and open to public inspection, except business confidential information. Comments may be viewed on the *http:www.regulations.gov* Web site by entering the relevant docket number in the search field on the home page.

Douglas Bell,

Chair, Trade Policy Staff Committee.

[FR Doc. 2013–01497 Filed 1–23–13; 8:45 am]

BILLING CODE 3290–F3–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Public Charter Prospectuses

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Guidance on review and approval of public charter prospectuses.

SUMMARY: The Department is publishing the following notice on clarifying new policies affecting the review and approval of public charter filings under 14 CFR part 380 and related changes in the Department's enforcement policies. These revisions refer to a notice dated November 13, 2012, appearing at 77 FR 69692 (Nov. 20, 2012).

FOR FURTHER INFORMATION CONTACT: Nicholas Lowry, Attorney, Office of Aviation Enforcement and Proceedings (C–70), 1200 New Jersey Ave. SE., Washington, DC 20590, (202) 366–9349.

Clarification of November 2012 Guidance on Review and Approval of Public Charter Operations and Prospectuses

On November 13, 2012, the Department's Office of International Aviation and Office of Aviation Enforcement and Proceedings issued a joint notice regarding future filings under 14 CFR part 380, the Department's rule on public charters and enforcement policy under those rules.[1] That notice, which was an effort to prevent the kind of harm to consumers that took place when the charter operator Southern Sky Air & Tours, LLC d/b/a Direct Air ceased service, explained that the Department would in the future not approve prospectuses under part 380 absent certain supplemental assurances designed to avoid practices evident in the Direct Air case that were in violation of the public charter rules.

Specifically, the notice described the Department's plan to reject public charter prospectus filings that do not affirmatively state that: (1) The contract between the charter operator and the direct air carrier is for the full price of the air transportation; and (2) the charter operator will retain control and access to its reservations records, and share those records with the direct air carriers. Furthermore, we stated that we would not permit the charter operator to accept payment by debit card (although we did state our willingness to consider waivers from this prohibition on demonstration that consumers would receive the protections of the Fair Credit Billing Act). The notice also stated that voucher programs, such as that offered by Direct Air, are not acceptable and will be considered to be *per se* violations of 14 CFR part 380.

Shortly after issuance of this notice, the Department received a number of comments from the public charter

[1] In addition to being published in the **Federal Register** (77 FR 69692 (Nov. 20, 2012)), the notice was also posted at *www.regulations.gov* and on the Enforcement Office Web site *http://www.dot.gov/airconsumer/guidance-aviation-rules-and-statutes* and was widely distributed by email to persons who regularly communicate with the office.

community. Some comments questioned the legality of the notice. Other comments sought clarification or revision of aspects of the guidance addressed in the notice. In order to have sufficient time to review and consider these comments, we extended the effective date of the guidance to January 14, 2013.[2] Then, on January 4, 2013, after considering the comments received on our November 13 guidance, we issued a draft clarification and invited additional public comments by January 8, 2013. We received six comments from four attorneys who represent public charter industry participants, one charter company and a prospective charter operator.[3]

We have now fully considered the comments previously received and additional comments we solicited on the draft clarification, and we are convinced that requiring supplemental assurances to prospectus filings is within our authority and is needed to prevent consumer harm. However, we agree with the public charter community that further clarification and revision of the guidance is needed to make certain that the assurances to be filed as part of the prospectus filings address the practical business problems raised in the comments we received but still prevent the problematic situation that took place when Direct Air ceased service. As such, this notice modifies the prior guidance by providing citations to the existing laws that are the basis for the guidance, further clarifying the supplemental information/assurances that should be included in public charter prospectus filings and further clarifying our enforcement policy with respect to certain matters discussed in the guidance. In response to comments that the charter operator, the bank, and the direct air carrier should not be asked to make assurances in areas where they have no responsibility, the required assurances will only be expected with respect to the portions of the charter operations in which the entity making the assurance is directly involved.

Our prior notice stated that charter operators could not have contracts with direct air carriers that are limited to providing aircraft, crew, maintenance and insurance (ACMI). We stated that the contract between the charter operator and the direct air carrier must be for the full price of the air transportation.[4] This guidance is based on section 380.11 which provides that a direct air carrier shall be paid in full for the cost of the charter transportation prior to the scheduled date of flight departure. However, as a matter of enforcement policy, we have decided not to take action against public charter operators that have ACMI contracts provided that the charter operators and their escrow banks offer assurances that all passenger funds in charter programs are deposited in the relevant escrow and that the escrow banks involved maintain accounts and full and accurate accounting of disbursements to vendors such as fuel or ground handling providers in accordance with 14 CFR 380.34(b). For charter operators using a security instrument under section 380.34(a), ACMI contracts may also be utilized provided that the amount of the security instrument is unlimited or for the full cost of the air transportation. (See footnote 4). Further, in the limited circumstances where a government requires payment directly from a public charter operator rather than the escrow bank as required by section 380.34(b)(2)(v), as a matter of enforcement policy, we will not pursue enforcement action against the public charter operator for doing so.[5] In addition, in situations where a public charter operator is required to pay government taxes and fees in advance of the passenger date of travel, we will not take action against these entities for paying the fees out of the escrow account prior to payment to the direct air carrier irrespective of the requirement in section 380.34(b)(2)(ii) for the direct air carrier to be paid in full prior to other payments being made, so long as the bank and public charter operator maintain a full accounting of records of such disbursements.[6] Our rules require that disbursements be identified on an individual flight by flight basis. Our primary intent is to reaffirm that all passenger funds must be deposited initially in the escrow accounts, apart from certain deductions allowed in travel agent sales.

Another area of clarification concerns control by public charter operators of passenger reservation records and the sharing of these records with direct air carriers. Our prior notice indicated that we would not approve public charter prospectus filings that do not include an assurance that the public charter operator will retain direct control of all passenger reservation records and will share those records with the direct air carrier to ensure that, in the event of a major disruption in the program, the direct air carrier would be able to identify and contact tour participants regarding returning flights. Representatives of charter operators contended that the Department was creating new requirements through guidance. However, a number of sections in part 380 require public charter operators to provide notifications to passengers under certain specific circumstances. See, e.g., sections 380.12 and 380.33. In addition, sections 249.21 and 380.36 require public charter operators to maintain passenger records for six months after the completion or cancellation of the flight or series of flights. To comply with these obligations, public charter operators must have access to passenger reservation records. In addition, section 14 CFR 212.3(f) requires direct air carriers conducting public charter operations to return passengers who purchased round trip transportation on the charter and who were transported by that carrier on their outbound flights to their point of origin. Without passenger reservation records, direct air carriers would be unable to comply with this existing requirement. Therefore, we view the existing requirements as mandating that public charter operators share these records with direct air carriers when needed to return passengers to their points of origin.

Representatives of charter operators also appeared to believe that the guidance would not allow charter operators to rely on reservations systems provided by third-parties. This is not correct. Direct air carriers and charter operators can rely on such outside vendors for these services but must ensure that they still have access to the records. Our intent was and remains to emphasize, to both the charter operator and the direct carrier, the importance of the obligation to return passengers under section 212.3, and not to preclude the use of third-party vendors. Both the public charter operator and the direct air carrier have discretion in how to meet this obligation, but the Department needs assurances in the prospectus filings that the public charter operator will maintain access to the reservation records as required by existing rules and share this information with the direct

[2] 77 FR 74729 (Dec. 17, 2012).

[3] Attached is a discussion of the comments received on the draft clarification we posted on our Web site (*http://www.dot.gov/airconsumer/latest-news*) and placed in DOT–OST–2013–0002 at *http://regulations.gov* on January 4, 2013.

[4] The full cost of the direct air transportation includes the cost of aircraft, crew, maintenance, insurance, fuel, ground handling, landing fees, reservations costs, passenger facility fees and taxes, and all other costs associated with the direct air transportation.

[5] We are aware of markets, for example Cuba, in which payments for ground services may only be made by the charter operator.

[6] In case the charter is cancelled, the charter operator must also be prepared to make full refunds to consumers, including amounts disbursed as pre-paid taxes (14 CFR 380.32(k)).

air carrier in case of a disruption in a charter program to comply with the requirement to return passengers under section 212.3.

The third issue that we addressed in our guidance concerned the use of debit cards in the purchase of charter transportation. Our November 13 notice prohibited the use of debit cards in the purchase of charter transportation, citing the explicit language of section 380.31 [7], which only provides for payment by check, money order or credit card, but not by debit card. We were particularly concerned that debit cards lack the chargeback protections afforded credit card users under the Fair Credit Billing Act (15 U.S.C. 1601 et seq.). As a matter of enforcement policy, we have now determined not to pursue action against charter operators that accept payment by debit card if they can provide assurances to the Department that their merchant banks and credit card/debit card processors will provide the same chargeback protections to those using debit cards as credit card users receive. If a charter operator cannot obtain such assurances then it may not accept debit card payments for transportation.[8]

Finally, we wish to clarify our position regarding vouchers. We stated in our November 13 notice that the Enforcement Office would consider any voucher program similar to that offered by Direct Air to be a *per se* violation of 14 CFR part 380. In the case of Direct Air, the charter operator sold vouchers for travel at unspecified dates in the future. Consumer funds did not, as a result, receive the escrow protection required under Part 380. However, the proscription on the use of vouchers applies only to voucher programs for which the charter operator receives money.

Purely gratuitous or complimentary vouchers distributed for passenger goodwill are not affected by this policy and they will not be considered to be *per se* violations.[9]

This revised policy regarding approval of charter prospectuses clarifies the notice of November 13, 2012, and will take effect 60 days from the date of this notice. Prospectuses filed after that date will not be approved without the supplemental assurances, outlined above. The Enforcement Office intends to undertake enforcement action, where appropriate, if it obtains evidence of violations of commitments made in those statements, or of the acceptance of debit purchases without the appropriate assurances as discussed above, or of sales initiatives such as the voucher program described above. Moreover, 14 CFR 380.24 continues to require the Department ''to deny the exemption authority of any charter operator, without hearing, if [the Department] finds that such action is necessary in the public interest or is otherwise necessary in order to protect the rights of the travelling public'' and it will do so. Questions regarding this notice may be addressed to the Office of Aviation Enforcement and Proceedings (C–70), 1200 New Jersey Avenue SE., Washington, DC 20590 or you may contact Lisa Swafford-Brooks, Chief, Aviation Licensing Compliance Branch (*lisa.swafford-brooks@dot.gov*), or Nicholas Lowry, Senior Attorney (*nick.lowry@dot.gov*) in that office, at (202) 366–9342.

Dated: January 14, 2013.

Paul L. Gretch,

Director, Office of International Aviation.

Samuel Podberesky,

Assistant General Counsel for Aviation Enforcement and Proceedings.

An electronic version of this document is available at http://www.regulations.gov.

Discussion of Comments on Draft Clarification of November 2012 Guidance on Review and Approval of Public Charter Operations and Prospectuses

In our draft notice placed in DOT–OST–2013–0002 on the clarification of our November 13 guidance, we invited public comments by January 8, 2013 on our revised guidance on the review and approval of public charter prospectuses under 14 CFR part 380. We received six comments from four attorneys who represent public charter industry participants, one charter company and a prospective charter operator. The notice, as revised, is included above this summary of comments.

With respect to AMCI contracts, one commenter states that assurances regarding depositing all funds in escrow accounts, as the notice suggests, is redundant, as it is already part of the rule but did not offer any further objection. A second comment queried whether payments to vendors and tax payments would be paid by the escrow bank or the charter operator and whether payments could be made prior to the flight completion date. The notice explains that payment may be made by the charter operator in limited circumstance subject to certain conditions. We also clarify that we will allow prepayment of fees out of escrow if required by a government entity.

On reservations records, again we received a comment stating that assurances regarding access to passenger records are redundant since they are already implicitly required by the rule. Another comment pointed out that charter carriers and operators are not able to maintain independent reservations systems. Our notice recognizes this and states that the carriers and charter operators have discretion in how they maintain records and can use third party vendors, so long as they are in a position to make reasonable efforts to contact passengers in case of a stranding.

With respect to the use of debit cards, two commenters point out that bond-only programs should be free to accept debit cards without the assurances described in the order because the bonds cover the full amount of the air transportation. We agree and have modified the notice to reflect that qualification.

In addition, the comments of a prospective charter operator generally denied that the Department had authority to prohibit the use of debit cards or voucher programs or to seek assurances regarding AMCI contracts. We believe he is wrong on these points. He also asserts that the Department should provide free bonding protection for all public charter programs. These comments are outside the scope of our notice and beyond our authority. Another charter operator suggested, with respect to voucher programs, that pre-paid voucher programs should be in compliance with part 380, provided all consumer funds remained in a general escrow account until the consumer selected a date and then could be allocated to a specific flight date. In addition, the commenter suggests that carriers should be free to enter into AMCI contracts with charter operators if special security accounts were established to cover flight expenses, such as fuel, not covered in the AMCI contract. We remain open to consider such proposals in the context of waiver or exemption requests so long as we are convinced that consumer funds receive adequate protection.

Several of the commenters expressed interest in the exact form the assurances discussed in the notice should take. We

[7] The provision cited should have been 14 CFR 380.34(b)(2)(i).

[8] With respect to charters protected by a security agreement covering the full cost of the air transportation (14 CFR 380.34(a)), our rules allow charter operators to accept payment in any form. (See, 63 FR 28225, 28232, May 22, 1998; fn. 10).

[9] Complimentary vouchers will, however, continue to be subject to statutory provisions on unfair and deceptive trade practices (49 U.S.C. 41712) and unauthorized holding out of air transportation (49 U.S.C. 41101) wherever applicable. For example, distributing vouchers in excess of the capacity of aircraft contracted for in a specific program would constitute such a violation.

plan to place sample assurances in the docket for public review and comment shortly (DOT–OST–2013–0002; at *http://regulations.gov*).

[FR Doc. 2013–01395 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

32nd Meeting: RTCA Special Committee 206, Aeronautical Information and Meteorological Data Link Services

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice of RTCA Special Committee 206, Aeronautical Information and Meteorological Data Link Services.

SUMMARY: The FAA is issuing this notice to advise the public of the thirty-second meeting of the RTCA Special Committee 206, Aeronautical Information and Meteorological Data Link Services.

DATES: The meeting will be held February 11–15, 2013 from 8:30 a.m.–5:00 p.m. (except Monday).

ADDRESSES: The meeting will be held at Delta Airlines Headquarters, 1030 Delta Boulevard, Atlanta, GA 30354.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.* In addition, Sophie Bousquet may be contacted directly at email *sbouquet@rtca.org* or (202) 330–0663.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 206. The agenda will include the following:

Monday, February 11, 2013

9:00 a.m. Opening Plenary
- Chairmen's remarks and host's comments
- Attendee Introductions
- Approval of previous meeting minutes
- Review and approve meeting agenda
- Action item review
- TOR change
- Sub-Group status and week's plan

10:30 a.m. Break

10:45 a.m. Sub-groups meetings

Tuesday, February 12

8:30 a.m.–3:00 p.m. Sub-groups meetings

Wednesday, February 13

8:30 a.m. Sub-groups meetings

3:00 p.m. Tour of Delta's OCC

Thursday, February 14

8:30 a.m.–3:00 p.m. Sub-groups meetings

Friday, February 15

8:30 a.m. Closing Plenary
- Sub-groups reports
- Industry Coordination
- Tables in Appendix C of DO–340
- Result of SC 217 ISRA
- Action Item Review
- Future meeting plans and dates
- Other business

12:30 p.m. Adjourn (no lunch break)

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on December 19, 2012.

Richard F. Gonzalez,

Management Analyst, Business Operations Group, ANG–A12, Federal Aviation Administration.

[FR Doc. 2013–01378 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Membership in the National Parks Overflights Advisory Group Aviation Rulemaking Committee

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: By **Federal Register** notice (See 77 FR 27835–27836, May 11, 2012 and 77 FR 48201, August 13, 2012) the National Park Service (NPS) and the Federal Aviation Administration (FAA) invited interested persons to apply to fill one upcoming opening on the National Parks Overflights Advisory Group (NPOAG) Aviation Rulemaking Committee (ARC). The notice invited interested persons to apply to fill a vacancy representing environmental concerns due to the incumbent member's completion of a three-year term appointment on October 9, 2012. Since the previous notices did not draw enough responses from individuals for the open environmental vacancy, NPS and FAA are using this notice to invite other interested individuals to apply for the environmental opening. If you responded to either of the initial notices for the environmental opening, you will still be under consideration and need not re-apply. This notice also informs the public of another upcoming opening to represent commercial air tour operator interests due to an incumbent member's completion of a three-year term appointment on May 19, 2013.

DATES: Persons interested in applying for the NPOAG openings representing environmental concerns and commercial air tour operator interests need to apply by February 22, 2013.

FOR FURTHER INFORMATION CONTACT: Keith Lusk, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, P.O. Box 92007, Los Angeles, CA 90009–2007, telephone: (310) 725–3808, email: *Keith.Lusk@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106–181. The Act required the establishment of the advisory group within 1 year after its enactment. The NPOAG was established in March 2001. The advisory group is comprised of a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group.

In accordance with the Act, the advisory group provides ''advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental,

and other issues related to commercial air tour operations over a national park or tribal lands.''

Membership

The current NPOAG ARC is made up of one member representing general aviation, three members representing the commercial air tour industry, four members representing environmental concerns, and two members representing Native American interests. Current members of the NPOAG ARC are as follows:

Heidi Williams representing general aviation; Alan Stephen, Elling Halvorson, and Matthew Zuccaro representing commercial air tour operators; Greg Miller, Kristen Brengel, and Dick Hingson representing environmental interests with one open seat; and Rory Majenty and Martin Begaye representing Native American tribes.

Selection

The member selected to represent environmental concerns will be filling a currently open seat. The member selected to represent commercial air tour operator interests will be filling incumbent Elling Halvorson's seat which expires on May 19, 2013. Current members may apply for another term. The term of service for NPOAG ARC members is 3 years.

Additional Openings

In order to retain balance within the NPOAG ARC with these two openings, the FAA and NPS invite persons interested in representing environmental concerns and commercial air tour operator interests on the ARC to contact Mr. Keith Lusk (contact information is written above in **FOR FURTHER INFORMATION CONTACT**).

Requests to serve on the ARC must be made to Mr. Lusk in writing and postmarked or emailed on or before February 22, 2013. The request should indicate whether or not you are a member of an association or group related to environmental issues or commercial air tour operator interests or have another affiliation with issues relating to aircraft flights over national parks. The request should also state what expertise you would bring to the NPOAG ARC as related to these issues and concerns. The term of service for NPOAG ARC members is 3 years.

Issued in Hawthorne, CA, on January 8, 2013.

Keith Lusk,

Program Manager, Special Programs Staff, Western-Pacific Region.

[FR Doc. 2013–01381 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26367]

Motor Carrier Safety Advisory Committee (MCSAC): Public Meeting of Subcommittees

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of meeting of Motor Carrier Safety Advisory Committee (MCSAC).

SUMMARY: FMCSA announces that the Motor Carrier Safety Advisory Committee's subcommittee on Compliance, Safety, Accountability (CSA) will meet on Tuesday and Wednesday, February 5 and 6, 2013, respectively. The meeting is open to the public and there will be a public comment period at the end of each day.

Times and Dates: The meeting will be held Tuesday–Wednesday, February 5–6, 2013, from 8:30 a.m. to 5 p.m., Eastern Daylight Time (E.D.T.). The meeting will be held at the Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314 in the Washington and Jefferson Rooms on the 2nd floor. The Hilton Alexandria Old Town is located across the street from the King Street Metro station.

Copies of all MCSAC Task Statements and an agenda for the entire meeting will be made available in advance of the meeting at *http://mcsac.fmcsa.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 385–2395, *mcsac@dot.gov.*

Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Elizabeth Turner at (617) 494–2068, *elizabeth.turner@dot.gov,* by Tuesday, January 29, 2013.

SUPPLEMENTARY INFORMATION:

I. Background

MCSAC

Section 4144 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU, Pub. L. 109–59, 119 Stat. 1144, August 10, 2005) required the Secretary of Transportation to establish the MCSAC. The MCSAC provides advice and recommendations to the FMCSA Administrator on motor carrier safety programs and regulations, and operates in accordance with the Federal Advisory Committee Act (5 U.S.C. App 2).

CSA Task

During the MCSAC's August 27–29, 2012, meeting, FMCSA requested that a subcommittee be established to provide an ongoing series of letter reports to the Agency presenting prioritized recommendations the Agency should pursue, with supporting data, to improve the CSA Program. Procedurally, the subcommittee would present its recommendations to the full MCSAC for review and discussion with the final reports submitted to the Agency.

The subcommittee held its first meeting October 16–17, 2012. A second meeting was held on December 5, 2012. The February 5–6, 2013, meeting is the third subcommittee meeting.

II. Meeting Participation

Oral comments from the public will be heard during the last half-hour of the meetings each day. Should all public comments be exhausted prior to the end of the specified period, the comment period will close. Members of the public may submit written comments on the topics to be considered during the meeting by Tuesday, January 29, 2013, to Federal Docket Management System (FDMC) Docket Number FMCSA–2006–26367 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., E.T. Monday through Friday, except Federal holidays.

Issued on: January 17, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–01408 Filed 1–23–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 6 (Sub-No. 486X)]

BNSF Railway Company—Abandonment Exemption—in Fulton County, IL

BNSF Railway Company (BNSF) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F–*Exempt Abandonments* to abandon 14.5 miles of rail line between milepost 52.2 in Farmington and milepost 66.7 in Dunfermline, in Fulton County, Ill. The line traverses United States Postal Service Zip Codes 61524 and 61531.

BNSF has certified that: (1) No local traffic has moved over the line for at least two years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 23, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 4, 2013. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 13, 2013, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Karl Morell, Suite 225, 655 15th St. NW., Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

BNSF has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by January 29, 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by January 24, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''WWW.STB.DOT.GOV.''

Decided: January 17, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2013–01405 Filed 1–23–13; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning estate tax Returns; Form 706, Extension to.

DATES: Written comments should be received on or before March 25, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–6665, or through the internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Estate Tax Returns; Form 706, Extension to File.

OMB Number: 1545–1707.

Regulation Project Number: REG–106511–00.

Abstract: Section 6075(a) of the Internal Revenue Code (the Code) requires the executor of a decedent's estate to file the Federal estate tax return (Form 706, ''United States Estate (and Generation-Skipping Transfer) Tax Return'') within 9 months after the date of the decedent's death. Section 608(a) provides that the Secretary may grant a reasonable extension of time for filing any return; however, except in the case of executors who are abroad, no such extension may be for more than 6 months. Executors currently request an extension of time to file Form 706 by filing Form 4768, ''Application for Extension of Time To File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes.'' The regulation grants executors of decedents' estates an automatic 6-month

extension of time to file the Form 706 and requires that executors continue to file Form 4768 to receive the automatic extension.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

The reporting burden contained in section 20.6081–1(b) is reflected in the burden of Form 4768, ''Application for Extension of Time To File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes.''

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 16, 2013.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2013–01335 Filed 1–23–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Pricing for New Product—America the Beautiful Quarters® Three-Roll Set

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Mint is announcing pricing for a new product, the America the Beautiful Quarters Three-Roll Set. This product will be priced at $46.95.

FOR FURTHER INFORMATION CONTACT: Marc Landry, Acting Associate Director for Sales and Marketing; United States Mint; 801 9th Street NW., Washington, DC 20220; or call 202–354–7500.

Authority: 31 U.S.C. 5111, 5112 & 9701.

Dated: January 16, 2013.

Richard A. Peterson,

Acting Director.

[FR Doc. 2013–01313 Filed 1–23–13; 8:45 am]

BILLING CODE 4810–37–P

FEDERAL REGISTER

Vol. 78 Thursday,
No. 16 January 24, 2013

Part II

The President

Federal Register
Vol. 78, No. 16
Thursday, January 24, 2013

Presidential Documents

Title 3—

The President

Proclamation 8927 of January 18, 2013

Martin Luther King, Jr., Federal Holiday, 2013

By the President of the United States of America

A Proclamation

At a time of deep division nearly 50 years ago, a booming voice for justice rang out across the National Mall, reverberated around our country, and sent ripples throughout the world. Speaking to thousands upon thousands rallying for jobs and freedom, the Reverend Dr. Martin Luther King, Jr., delivered his ''I Have a Dream'' speech, challenging America to take up the worthy task of perfecting our Union. Today, we celebrate a man whose clarion call stirred our Nation to bridge our differences, and whose legacy still drives us to bend the arc of the moral universe toward justice.

By words and example, Dr. King reminded us that ''Change does not roll in on the wheels of inevitability, but comes through continuous struggle.'' Throughout the 1950s and 1960s, he mobilized multitudes of men and women to take on a struggle for justice and equality. They braved billy clubs and bomb threats, dogs and fire hoses. For their courage and sacrifice, they earned our country's everlasting gratitude.

A half-century later, the march of progress has brought us closer than ever to achieving Dr. King's dream, but our work is not yet done. Too many young people still grow up in forgotten neighborhoods with persistent violence, underfunded schools, and inadequate health care, holding little hope and few prospects for the future. Too many Americans are denied the full equality and opportunity guaranteed by our founding documents. Today, Dr. King's struggle reminds us that while change can sometimes seem impossible, if we maintain our faith in ourselves and in the possibilities of this Nation, there is no challenge we cannot surmount.

Every year, Americans mark this day by answering Dr. King's call to service. In his memory, let us recall his teaching that ''we are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.'' In keeping with Dr. King's example, let us embrace the belief that our destiny is shared, accept our obligations to each other and to future generations, and strengthen the bonds that hold together the most diverse Nation on earth.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 21, 2013, as the Martin Luther King, Jr., Federal Holiday. I encourage all Americans to observe this day with appropriate civic, community, and service projects in honor of Dr. King and to visit www.MLKDay.gov to find Martin Luther King, Jr., Day of Service projects across our country.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.

[FR Doc. 2013–01636
Filed 1–23–13; 11:15 am]
Billing code 3295–F3

Presidential Documents

Proclamation 8928 of January 21, 2013

National Day of Hope and Resolve, 2013

By the President of the United States of America

A Proclamation

Four years ago, the American people came together to chart a new course through an uncertain hour. We chose hope over fear and hard work during hardship, confident that the age-old values that had guided our Nation through even its darkest days would be sufficient to meet the trials of our time.

Together, we have brought a decade of war toward a responsible end. We have saved our economy from collapse and fought for a future where everyone has an equal chance at opportunity. Millions of men, women, and children have made service their mission, reaffirming that America's greatest strength lies not in might or wealth, but in the bonds we share with one another.

Today, I have sworn an oath to preserve the fundamental freedoms and protections that are the lasting birthright of all who call this land home. I stand humbled by the responsibilities entrusted to me by our people, and I pray God's grace will see us through the tests we will surely face in the days ahead. But even as I assume once more the solemn duty of this Presidency, let us also remember that the oath I spoke shares much in common with those taken by every service member and every immigrant, and with the pledge we make before our flag. These are the words of America's citizens, and they represent our greatest hope.

On the opposite end of the National Mall from where I delivered my address, a preacher once told us ''we cannot walk alone.'' Empowered by our faith in each other and united by the purpose that binds our fates as one, let us learn again that most enduring lesson. Let us renew our resolve to meet the challenges of our age together. And when our grandchildren reflect on the history we leave, let them say we did what was required of us, that our words were true to our Founders' dreams for a young Republic and our actions foretold the dawn of a new and brighter day.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 21, 2013, a National Day of Hope and Resolve. I call upon all Americans to join together in courage, in compassion, and in purpose to more fully realize the eternal promises of our founding and the more perfect Union that must remain ever within our reach.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of January, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.

[FR Doc. 2013–01637
Filed 1–23–13; 11:15 am]
Billing code 3295–F3

Reader Aids

Federal Register

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Thursday, January 24, 2013

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Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**
CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JANUARY

CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws*.

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H.R. 41/P.L. 113–1
To temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the National Flood Insurance Program. (Jan. 6, 2013; 127 Stat. 3)
Last List January 17, 2013

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